EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0989-AIR-E **TCEQ ID:** RN102457520 **CASE NO.:** 36071

RESPONDENT NAME: Total Petrochemicals USA, Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Total Petro Chemicals USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

TYPE OF OPERATION: Crude oil refinery plant

SMALL BUSINESS: ___ Yes __X__ No

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 2008-1382-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 26, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** March 31, and April 4, 2008 **Date of NOV/NOE Relating to this Case:** May 23, and June 3, 2008 (NOE) **Background Facts:** This was a record review. **AIR** 1) Failure to comply with permitted nitrogen oxides ("NOx") and particulate matter ("PM") emission limits for the 805 Charge Heater Stack (Emission Point No. 51DHT1H-1). Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 pounds per hour ("lbs/hr") of NOx, 0.043 lbs per Million British thermal unit ("MMBtu") of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 2347, Special Conditions ("SC") Nos. 1 and 3, and Federal Operating Permit ("FOP") No. O-01267, Special Terms and Conditions ("STC") No. 27]. 2) Failure to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of	**Total Assessed:** $51,150 **Total Deferred:** $10,230 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $12,960 **SEP Conditional Offset:** $7,500 **Total Paid (Due) to General Revenue:** $20,460 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. By March 31, 2006, maintained compliance with the permitted emission limits and implemented procedures and training to insure that storage tanks containing VOC, including Tank No. 589, continue to meet permitted emission limits; b. On December 6, 2007, performed a re-test on the stack for the 805 Charge Heater which demonstrated compliance with the permit; and c. On September 28, 2008, submitted an alteration request to remove SC No. 3, concerning the enhanced biodegradation unit parameters, from NSR Permit No. 56385. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete two Supplemental Environmental Projects (SEPs). (See SEP Attachments A and B) 2) The Order will also require the Respondent to: a. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the NSR Permit No. 56385 alteration request within 30 days of the date of such letters, or by any other deadline specified in writing; b. Within 90 days after the effective date of this Agreed Order, either obtain a permit alteration for removing or revising the F/M ratio requirement for the Enhanced Biodegradation Unit Aeration Tanks A, B, and C, or develop and implement procedures to ensure that the F/M ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C do not exceed the permitted limits;

October 8, 2003. The analyzers should have been installed by April 10, 2005 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 54026, SC 5D, and FOP No. O-01267, STC No. 27]. 3) Failure to maintain the food-to-microorganisms ("F/M") ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 56385, SC No. 3, and FOP No. O-01267, STC No. 27]. 4) Failure to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year ("tpy") limit. The permit limits Tank 589 to 0.31 tpy of volatile organic compounds ("VOC") and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 18936, General Condition 8, and FOP No. O-01267, STC No. 27].		c. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.; d. Within 180 days after the effective date of this Agreed Order, complete installation of analyzers on the three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE; and e. Within 195 after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.d.

Additional ID No(s).: JE0005H

Attachment A
Docket Number: 2008-0989-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Total Petrochemicals USA, Inc.**
Penalty Amount:	**Forty Thousand Nine Hundred Twenty Dollars ($40,920)**
SEP Offset Amount:	**Twelve Thousand Nine Hundred Sixty Dollars ($12,960)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas PTA – *Clean School Bus Program***
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 Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to ***Texas PTA*** for the *Clean School Bus Program* in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. 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 it has 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 particulate emissions from buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment B
Docket Number: 2008-0989-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Total Petrochemicals USA, Inc.**
Penalty Amount:	**Forty Thousand Nine Hundred Twenty Dollars ($40,920)**
SEP Offset Amount:	**Seven Thousand Five Hundred Dollars ($7,500)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**City of Port Arthur-*Purchase of Natural Gas Generators***
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 Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to ***City of Port Arthur*** in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to replace three of the City's old diesel-powered generators with more environmentally friendly natural gas fueled generators. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has 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. The use of natural gas-fueled generators will reduce NO_x emissions by 603 pounds/hour.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Larry Richard, Fire Chief
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 12, 2008*

TCEQ

DATES					
Assigned	9-Jun-2008				
PCW	26-Oct-2008	Screening	17-Jun-2008	EPA Due	28-Feb-2009

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.	36071	No. of Violations	4
Docket No.	2008-0989-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		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 203.0% Enhancement — *Subtotals 2, 3, & 7* $35,525

Notes: Enhancement due to 2 similar NOVs and 24 dissimilar NOVs; 6 agreed orders with a denial of liability and 1 agreed order without denial of liability.

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* $1,875

Economic Benefit 0.0% Enhancement* — *Subtotal 6* $0

Total EB Amounts $1,632
Approx. Cost of Compliance $16,450
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $51,150

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $51,150

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $51,150

DEFERRAL 20.0% Reduction — *Adjustment* -$10,230

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $40,920

Screening Date 17-Jun-2008 **Docket No.** 2008-0989-AIR-E **PCW**

Respondent Total Petrochemicals USA, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36071 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	2	10%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	6	120%
	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 (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
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) 203%

>> 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

Enhancement due to 2 similar NOVs and 24 dissimilar NOVs; 6 agreed orders with a denial of liability and 1 agreed order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 203%

Screening Date 17-Jun-2008 **Docket No.** 2008-0989-AIR-E **PCW**

Respondent Total Petrochemicals USA, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36071 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 2347, Special Condition ("SC") Nos. 1 and 3, and Federal Operating Permit ("FOP") No. O-01267, Special Terms and Conditions ("STC") No. 27

Violation Description Failed to comply with permitted nitrogen oxides ("NOx") and particulate matter ("PM") emission limits for the 805 Charge Heater Stack (Emission Point No. 51DHT1H-1), as documented during a record review conducted on March 31, 2008. Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 pounds per hour ("lbs/hr") of NOx, 0.043 lbs per Million British thermal unit ("MMBtu") of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment was 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 2 | 108 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended from date of first stack test (8/21/07) to stack test re-testing date (12/6/07).

Good Faith Efforts to Comply

25.0% Reduction $1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent performed a re-test of the stack for the 805 Charge Heater and is in compliance with the permit.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $88

Statutory Limit Test

Violation Final Penalty Total $13,900

This violation Final Assessed Penalty (adjusted for limits) $13,900

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 36071
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$6,000	21-Aug-2007	6-Dec-2007	0.29	$88	n/a	$88

Notes for DELAYED costs: Item cost is an estimate for the stack testing. Date required is the date of the first stack test, and the final date is the date of the stack retest which shows compliance with the permit.

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 $6,000

TOTAL $88

Screening Date 17-Jun-2008 **Docket No.** 2008-0989-AIR-E **PCW**

Respondent Total Petrochemicals USA, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36071 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 54026, SC 5D, and FOP No. O-01267, STC No. 27

Violation Description Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE, as documented during a record review conducted on April 4, 2008. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 3 | 70 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three quarterly events are recommended. (one quarter for each flare) from the record review date of 4/4/08 to the screening date of 6/17/08.)

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(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

Estimated EB Amount $932

Statutory Limit Test

Violation Final Penalty Total $22,725

This violation Final Assessed Penalty (adjusted for limits) $22,725

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 36071
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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)	$5,000	10-Apr-2005	31-Dec-2008	3.73	$932	n/a	$932

Notes for DELAYED costs Item cost is an estimate for the installation of new analyzers and monitors on the flares. Date required is the date the analyzers should have been installed, and the final date is the estimated date of installation.

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 $5,000

TOTAL $932

Screening Date 17-Jun-2008 **Docket No.** 2008-0989-AIR-E **PCW**

Respondent Total Petrochemicals USA, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36071 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 56385, SC No. 3, and FOP No. O-01267, STC No. 27

Violation Description Failed to maintain the food-to-microorganisms ("F/M") ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C, as documented during a record review conducted on April 4, 2008. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment was 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 1 — 82 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $584

Statutory Limit Test

Violation Final Penalty Total $7,575

This violation Final Assessed Penalty (adjusted for limits) $7,575

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 36071
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	$5,000	1-Sep-2006	31-Dec-2008	2.33	$584	n/a	$584
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Item cost is the estimated cost to either obtain a permit amendment or to develop and implement procedures to ensure that the F/M ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C do not exceed the permitted limits. Date required is first date the violation was documented, and the final date is the estimated compliance date.

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 $5,000

TOTAL $584

Screening Date 17-Jun-2008 **Docket No.** 2008-0989-AIR-E **PCW**

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36071

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 18936, General Condition 8, and FOP No. O-01267, STC No. 27

Violation Description Failed to maintain allowable emissions rates, as documented during a record review conducted on April 4, 2008. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of volatile organic compounds ("VOCs") and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment was 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 1 | 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $2,500

One annual event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent came into compliance by March 31, 2006 and the NOE was issued on June 3, 2008.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $28

Statutory Limit Test

Violation Final Penalty Total $6,950

This violation Final Assessed Penalty (adjusted for limits) $6,950

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 36071
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$450	1-Jan-2005	31-Mar-2006	1.24	$28	n/a	$28
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Item cost is the estimated cost of implementing procedures designed to prevent exceeding the permitted emission limits for Tank 589. Date required is the date of the 2005 Emissions Inventory, and the final date is the approximate 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 $450

TOTAL $28

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: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 09, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 09, 2003 to June 09, 2008

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

Name: Miriam Hall Phone: (512) 239-1044

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 judgments, 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 property 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 ls of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, 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 NOx, 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 atmosophere 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.

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	06/23/2003	(157204)
2	07/16/2003	(112393)
3	07/21/2003	(157208)
4	08/19/2003	(147506)
5	08/21/2003	(147314)
6	08/21/2003	(295015)
7	08/29/2003	(33657)
8	08/29/2003	(31893)
9	09/22/2003	(295017)
10	10/17/2003	(152374)
11	10/21/2003	(295019)
12	11/10/2003	(140784)
13	11/21/2003	(295020)
14	12/15/2003	(252528)
15	12/17/2003	(253859)
16	12/22/2003	(295021)
17	01/07/2004	(251647)
18	01/14/2004	(259132)
19	01/16/2004	(257106)
20	01/21/2004	(295022)
21	02/18/2004	(262253)
22	02/23/2004	(295004)
23	02/25/2004	(263664)
24	03/05/2004	(258714)
25	03/18/2004	(259900)
26	03/22/2004	(295006)
27	03/30/2004	(332764)
28	04/08/2004	(265693)
29	04/19/2004	(295007)
30	04/23/2004	(264889)
31	04/28/2004	(269294)
32	05/21/2004	(295009)
33	05/25/2004	(271847)
34	06/15/2004	(271209)
35	06/17/2004	(275130)
36	06/17/2004	(273769)
37	06/22/2004	(295011)
38	06/23/2004	(269696)
39	07/12/2004	(269851)
40	07/21/2004	(295013)
41	07/29/2004	(269691)
42	08/16/2004	(281567)
43	08/17/2004	(280413)
44	08/17/2004	(286899)
45	08/17/2004	(283908)
46	08/23/2004	(351943)
47	08/31/2004	(280247)
48	08/31/2004	(285080)
49	09/21/2004	(351944)

50	09/27/2004	(282656)
51	10/21/2004	(351945)
52	11/12/2004	(291212)
53	11/18/2004	(351946)
54	11/29/2004	(337787)
55	12/07/2004	(341531)
56	12/14/2004	(269700)
57	12/17/2004	(351947)
58	01/11/2005	(345742)
59	01/11/2005	(286852)
60	01/11/2005	(345734)
61	01/11/2005	(345047)
62	01/21/2005	(381770)
63	02/21/2005	(381768)
64	03/11/2005	(346656)
65	03/11/2005	(350459)
66	03/11/2005	(348120)
67	03/17/2005	(381769)
68	03/29/2005	(372850)
69	04/22/2005	(419600)
70	04/27/2005	(345893)
71	05/19/2005	(419601)
72	06/15/2005	(394699)
73	06/16/2005	(395449)
74	06/17/2005	(380022)
75	06/17/2005	(395181)
76	06/21/2005	(393771)
77	06/21/2005	(419602)
78	06/27/2005	(394004)
79	06/27/2005	(375095)
80	07/08/2005	(380986)
81	07/12/2005	(379108)
82	07/13/2005	(395545)
83	07/18/2005	(398333)
84	07/18/2005	(396246)
85	07/21/2005	(440742)
86	08/08/2005	(400586)
87	08/08/2005	(400578)
88	08/08/2005	(395607)
89	08/10/2005	(398204)
90	08/14/2005	(402622)
91	08/14/2005	(400928)
92	08/15/2005	(404442)
93	08/15/2005	(399684)
94	08/15/2005	(403311)
95	08/15/2005	(371587)
96	08/19/2005	(440743)
97	08/31/2005	(340674)
98	08/31/2005	(402164)
99	09/19/2005	(440744)
100	10/21/2005	(468272)
101	11/04/2005	(431104)
102	11/04/2005	(436336)
103	11/04/2005	(435646)
104	11/15/2005	(405196)
105	11/15/2005	(436413)
106	11/15/2005	(435255)
107	11/15/2005	(436155)
108	11/15/2005	(434630)
109	11/18/2005	(435866)
110	11/18/2005	(435774)
111	11/18/2005	(435804)
112	11/18/2005	(435798)
113	11/21/2005	(468273)
114	12/07/2005	(435751)
115	12/12/2005	(404612)
116	12/15/2005	(468274)
117	01/18/2006	(449944)

118	01/19/2006	(440180)
119	01/19/2006	(439503)
120	01/23/2006	(468275)
121	01/24/2006	(452104)
122	02/06/2006	(437341)
123	02/07/2006	(453479)
124	02/07/2006	(450128)
125	02/13/2006	(450178)
126	02/13/2006	(450341)
127	02/15/2006	(454193)
128	02/21/2006	(468270)
129	02/24/2006	(452413)
130	02/24/2006	(450992)
131	03/21/2006	(468271)
132	04/10/2006	(454251)
133	04/18/2006	(455136)
134	04/21/2006	(498089)
135	04/28/2006	(462859)
136	05/11/2006	(461924)
137	05/11/2006	(463343)
138	05/11/2006	(465492)
139	05/11/2006	(465525)
140	05/11/2006	(464460)
141	05/11/2006	(464168)
142	05/11/2006	(464473)
143	05/11/2006	(464467)
144	05/11/2006	(465518)
145	05/11/2006	(465489)
146	05/12/2006	(463148)
147	05/12/2006	(451451)
148	05/12/2006	(454148)
149	05/12/2006	(454494)
150	05/22/2006	(498090)
151	05/22/2006	(464542)
152	05/30/2006	(461199)
153	06/14/2006	(480809)
154	06/22/2006	(498091)
155	06/28/2006	(465850)
156	07/21/2006	(520109)
157	07/25/2006	(482058)
158	07/27/2006	(485194)
159	08/23/2006	(520110)
160	08/31/2006	(460545)
161	09/19/2006	(520111)
162	09/22/2006	(510639)
163	10/20/2006	(544367)
164	11/15/2006	(517804)
165	11/22/2006	(544368)
166	12/21/2006	(544369)
167	12/28/2006	(335708)
168	12/29/2006	(431565)
169	01/12/2007	(531450)
170	01/18/2007	(532164)
171	01/23/2007	(544370)
172	01/29/2007	(531801)
173	02/01/2007	(538715)
174	02/01/2007	(537518)
175	02/02/2007	(497612)
176	02/05/2007	(466788)
177	02/14/2007	(539270)
178	02/14/2007	(540328)
179	02/21/2007	(575101)
180	02/23/2007	(540617)
181	03/19/2007	(538927)
182	03/20/2007	(575102)
183	04/09/2007	(542889)
184	04/21/2007	(540306)
185	04/26/2007	(575103)

186	05/02/2007	(557540)
187	05/16/2007	(573950)
188	05/16/2007	(652271)
189	05/17/2007	(554816)
190	05/18/2007	(554787)
191	05/18/2007	(575104)
192	05/21/2007	(558572)
193	06/20/2007	(575105)
194	06/28/2007	(558540)
195	07/10/2007	(565190)
196	07/11/2007	(560069)
197	07/11/2007	(542342)
198	07/20/2007	(575106)
199	07/23/2007	(567241)
200	08/06/2007	(567736)
201	08/10/2007	(652719)
202	08/10/2007	(574318)
203	08/14/2007	(543994)
204	08/20/2007	(601546)
205	08/30/2007	(564577)
206	09/17/2007	(601547)
207	09/20/2007	(593858)
208	09/26/2007	(573894)
209	10/23/2007	(619450)
210	10/23/2007	(619453)
211	10/26/2007	(596024)
212	11/08/2007	(594034)
213	11/15/2007	(653101)
214	11/16/2007	(595084)
215	11/20/2007	(619451)
216	11/27/2007	(594170)
217	11/27/2007	(598818)
218	12/10/2007	(610704)
219	12/21/2007	(594470)
220	12/21/2007	(619452)
221	01/16/2008	(612034)
222	01/31/2008	(613691)
223	02/01/2008	(614929)
224	02/06/2008	(615511)
225	02/07/2008	(616836)
226	02/08/2008	(652166)
227	02/14/2008	(679796)
228	02/18/2008	(671960)
229	03/03/2008	(616883)
230	03/03/2008	(617277)
231	03/03/2008	(613917)
232	03/03/2008	(616879)
233	03/03/2008	(616707)
234	03/10/2008	(614708)
235	03/14/2008	(637140)
236	03/18/2008	(671961)
237	04/03/2008	(619010)
238	04/03/2008	(618981)
239	04/07/2008	(638446)
240	04/07/2008	(640577)
241	04/09/2008	(636187)
242	04/09/2008	(637830)
243	04/17/2008	(671962)
244	04/24/2008	(641834)
245	05/08/2008	(646149)
246	05/09/2008	(654397)
247	05/14/2008	(646173)
248	05/14/2008	(646292)
249	05/14/2008	(646249)
250	05/23/2008	(640976)
251	05/28/2008	(679929)
252	06/03/2008	(680279)
253	06/03/2008	(641229)

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 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)
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: 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).

F. Environmental audits.

N/A

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
TOTAL PETROCHEMICALS USA,	§	
INC.	§	
RN102457520	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-0989-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 crude oil refinery plant 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 notices of the violations alleged in Section II ("Allegations") on or about May 28, 2008 and June 8, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifty-One Thousand One Hundred Fifty Dollars ($51,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty Thousand Four Hundred Sixty Dollars

($20,460) of the administrative penalty and Ten Thousand Two Hundred Thirty Dollars ($10,230) 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. Twenty Thousand Four Hundred Sixty Dollars ($20,460) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. By March 31, 2006, maintained compliance with the permitted emission limits and implemented procedures and training to insure that storage tanks containing volatile organic compounds ("VOC"), including Tank No. 589, continue to meet permitted emission limits;

   b. On December 6, 2007, performed a re-test on the stack for the 805 Charge Heater which demonstrated compliance with the permit; and

   c. On September 28, 2008, submitted an alteration request to remove Special Condition ("SC") No. 3, concerning the enhanced biodegradation unit parameters, from New Source Review ("NSR") Permit No. 56385.

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 comply with permitted nitrogen oxides ("NOx") and particulate matter ("PM") emission limits for the 805 Charge Heater Stack (Emission Point No. 51DHT1H-1), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY

CODE § 382.085(b), NSR Permit No. 2347, SC Nos. 1 and 3, and Federal Operating Permit ("FOP") No. O-01267, Special Terms and Conditions ("STC") No. 27, as documented during a record review conducted on March 31, 2008. Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 pounds per hour ("lbs/hr") of NOx, 0.043 lbs per Million British thermal unit ("MMBtu") of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx.

2. Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 54026, SC 5D, and FOP No. O-01267, STC No. 27, as documented during a record review conducted on April 4, 2008. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005.

3. Failed to maintain the food-to-microorganisms ("F/M") ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 56385, SC No. 3, and FOP No. O-01267, STC No. 27, as documented during a record review conducted on April 4, 2008. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006.

4. Failed to maintain allowable emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 18936, General Condition 8, and FOP No. O-01267, STC No. 27, as documented during a record review conducted on April 4, 2008. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005.

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. 2008-0989-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 Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty Thousand Four Hundred Sixty Dollars ($20,460) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEPs defined in Attachments A and B, 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 agreements.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the NSR Permit No. 56385 alteration request within 30 days of the date of such letters, or by any other deadline specified in writing;

   b. Within 90 days after the effective date of this Agreed Order, either obtain a permit alteration for removing or revising the F/M ratio requirement for the Enhanced Biodegradation Unit Aeration Tanks A, B, and C, or develop and implement procedures to ensure that the F/M ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C do not exceed the permitted limits;

   c. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

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

with a copy to:

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

d. Within 180 days after the effective date of this Agreed Order, complete installation of analyzers on the three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE, in accordance with NSR Permit No. 54026, SC 5D; and

e. Within 195 after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.d. as described in Ordering Provision No. 3.c. above.

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

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

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.

Signature

Date 17 November 2008

Darrell Jacob

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: 2008-0989-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Total Petrochemicals USA, Inc.**
Penalty Amount:	**Forty Thousand Nine Hundred Twenty Dollars ($40,920)**
SEP Offset Amount:	**Twelve Thousand Nine Hundred Sixty Dollars ($12,960)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas PTA – *Clean School Bus Program***
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 Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to ***Texas PTA*** for the *Clean School Bus Program* in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. 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 it has 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 particulate emissions from buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Texas Congress of Parents and Teachers dba Texas PTA
Clean School Bus Program
Suzy Swan, Director of Finance
408 West 11th Street
Austin, Texas 78707

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment B
Docket Number: 2008-0989-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Total Petrochemicals USA, Inc.**
Penalty Amount:	**Forty Thousand Nine Hundred Twenty Dollars ($40,920)**
SEP Offset Amount:	**Seven Thousand Five Hundred Dollars ($7,500)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**City of Port Arthur-*Purchase of Natural Gas Generators***
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 Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to ***City of Port Arthur*** in Jefferson County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to replace three of the City's old diesel-powered generators with more environmentally friendly natural gas fueled generators. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has 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. The use of natural gas-fueled generators will reduce NO_x emissions by 603 pounds/hour.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Larry Richard, Fire Chief
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset 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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.