

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-1773-AIR-E **TCEQ ID:** RN100212109 **CASE NO.:** 36793  
**RESPONDENT NAME:** TOTAL PETROCHEMICALS USA, INC.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> TOTAL PETROCHEMICALS USA La Porte Plant, 1818 South Battleground Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0220-AIR-E, 2009-0013-AIR-E, and 2008-1173-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 4, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Darrell E. Bailey, Plant Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 14, August 15, August 20, and August 22, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 30, October 31, and November 3, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation and a record review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions during Incident No. 109106. Specifically, during the June 10, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer during the emissions event that lasted 37 hours and 40 minutes when a cyclofilter became plugged: 365 pounds ("lbs") of volatile organic compounds ("VOCs"), 357 lbs of propylene, 20 lbs of nitrogen oxides ("NO<sub>x</sub>"), and 290 lbs of carbon monoxide ("CO"). Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions during Incident No. 107743. Specifically, during the May 14, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer over a period of 23 hours and 30 minutes when an incorrect test signal was sent and an emergency safety valve opened: 502 lbs of CO, 22 lbs of NO<sub>x</sub>, and 438 lbs of VOCs. Since the emissions event could have been avoided through better</p>	<p><b>Total Assessed:</b> \$43,103</p> <p><b>Total Deferred:</b> \$8,620  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$34,483</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Completed modification of the test pressure points for the emergency control system on May 15, 2008, to prevent the recurrence of emissions events due to the same cause as Incident No. 107743;</p> <p>b. Replaced the vaporizer gasket with a gasket suitable for frequent thermal cycling on May 21, 2008, to prevent the recurrence of emissions events due to the same cause as Incident No. 108007;</p> <p>c. Updated the monitoring and reporting system on June 1, 2008 to immediately send emissions data to environmental staff to ensure that emissions events are properly reported; and</p> <p>d. Completed modification to the continuous take-off valve and the bottom of the cyclofilter on July 15, 2008, to prevent the recurrence of emissions events due to the same cause as Incident No. 109106.</p>

<p>operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions during Incident No. 108007. Specifically, during the May 20, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer over a period of five hours and five minutes when a gasket failed on Exchanger E-379: 233 lbs of VOCs, 204 lbs of CO, and 25 lbs of NO<sub>x</sub>. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failure to prevent unauthorized emissions during Incident No. 107571. Specifically, during the May 8, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare over a period of 55 hours and 50 minutes when an extruder would not maintain operation due to inadequate water flow: 1,001 lbs of CO, 892 lbs of VOCs, and 150 lbs of NO<sub>x</sub>. Since the emissions event was not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failure to report Incident No. 107571 within 24 hours after discovery. Specifically, Incident No. 107571 was discovered on May 8, 2008 at 12:00 p.m.; however, the initial notification was not submitted until May 12, 2008 at 1:06 p.m. [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
--	--	--





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	10-Nov-2008			
	<b>PCW</b>	13-Nov-2008	<b>Screening</b>	13-Nov-2008	<b>EPA Due</b> 27-Jul-2009

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	TOTAL PETROCHEMICALS USA, INC.		
<b>Reg. Ent. Ref. No.</b>	RN100212109		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36793	<b>No. of Violations</b>	5
<b>Docket No.</b>	2008-1773-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$10,100
---	-------------------	----------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	378.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$38,178
---------------------------	--------------------	--------------------------------	----------

Notes

Penalty enhancement due to nine same or similar NOVs, 22 unrelated NOVs, 12 agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to one Notice of Intended Audit submitted.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$2,525
--	-------------------	---------

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts	\$36
Approx. Cost of Compliance	\$8,500

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$45,753
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$45,753
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$43,103
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$8,620
-----------------	-----------------	-------------------	----------

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

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$34,483
------------------------	----------

<b>Screening Date</b> 13-Nov-2008	<b>Docket No.</b> 2008-1773-AIR-E	<b>PCW</b>
<b>Respondent</b> TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36793		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN100212109		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Rebecca Johnson		

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	9	45%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	12	240%
	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<small>Please Enter Yes or No</small>			
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)** 378%

**>> Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
--	--

**>> Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">Average Performer</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
---	--

**>> Compliance History Summary**

<b>Compliance History Notes</b>	Penalty enhancement due to nine same or similar NOVs, 22 unrelated NOVs, 12 agreed orders with a denial of liability, and two agreed orders without a denial of liability. Penalty reduction due to one Notice of Intended Audit submitted.
---------------------------------	---

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 378%

**Screening Date** 13-Nov-2008 **Docket No.** 2008-1773-AIR-E **PCW**  
**Respondent** TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*  
**Case ID No.** 36793 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100212109  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number**   
**Rule Cite(s)** Air Permit No. 78962, General Condition No. 8, 30 Tex. Admin. Code § 116.615(2), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions during Incident No. 109106. Specifically, during the June 10, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer during the emissions event that lasted 37 hours and 40 minutes when a cyclofilter became plugged: 365 ("lbs") of volatile organic compounds ("VOCs"), 357 pounds of propylene, 20 lbs of nitrogen oxides ("NOx"), and 290 lbs of carbon monoxide ("CO"). Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

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

**Matrix Notes** Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

**Violation Base Penalty**

One quarterly event is recommended.

**Good Faith Efforts to Comply**

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

**Notes** The Respondent completed corrective actions on July 15, 2008. This was prior to the NOE issued on October 30, 2008.

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.  
 Case ID No. 36793  
 Reg. Ent. Reference No. RN100212109  
 Media Air  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	10-Jun-2008	15-Jul-2008	0.10	\$2	\$32	\$34
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to modify the continuous take-off valve and the bottom of the cyclofilter to ensure that the cyclofilter does not become plugged. Date required is the date of the emissions event. Final date is the date the corrective actions were completed.

**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 \$34

<b>Screening Date:</b> 13-Nov-2008	<b>Docket No.:</b> 2008-1773-AIR-E	<b>PCW</b>
<b>Respondent:</b> TOTAL PETROCHEMICALS USA, INC.		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.:</b> 36793		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.:</b> RN100212109		
<b>Media [Statute]:</b> Air		
<b>Enf. Coordinator:</b> Rebecca Johnson		
<b>Violation Number:</b>	<input type="text" value="2"/>	
<b>Rule Cite(s):</b>	Air Permit No. 78962, General Condition No. 8, 30 Tex. Admin. Code § 116.615(2), and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description:</b>	Failed to prevent unauthorized emissions during Incident No. 107743. Specifically, during the May 14, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer over a period of 23 hours and 30 minutes when an incorrect test signal was sent and an emergency safety valve opened: 502 lbs of CO, 22 lbs of NOx, and 438 lbs of VOCs. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
<b>Base Penalty:</b>		<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

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

**Matrix Notes:** Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

**Adjustment:**

**Violation Events**

Number of Violation Events	<input type="text" value="1"/>		<input type="text" value="1"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>				

One quarterly event is recommended.

**Good Faith Efforts to Comply**  Reduction

	<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	(mark with x)	

**Notes:** The Respondent completed corrective actions on May 15, 2008. This was prior to the NOE issued on October 31, 2008.

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent:** TOTAL PETROCHEMICALS USA, INC.  
**Case ID No.:** 36793  
**Reg. Ent. Reference No.:** RN100212109  
**Media:** Air  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	14-May-2008	15-May-2008	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to modify the test pressure points for the emergency control system to ensure that incorrect test signals are not sent and the emergency safety valve inadvertently opened. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

**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

\$2,000

TOTAL

\$0

**Screening Date** 13-Nov-2008 **Docket No.** 2008-1773-AIR-E **PCW**  
**Respondent** TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*  
**Case ID No.** 36793 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100212109  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number** 3  
**Rule Cite(s)** Air Permit No. 78962, General Condition No. 8, 30 Tex. Admin. Code § 116.615(2), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions during Incident No. 108007. Specifically, during the May 20, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer over a period of five hours and five minutes when a gasket failed on Exchanger E-379: 233 lbs of VOCs, 204 lbs of CO, and 25 lbs of NOx. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

One quarterly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$625

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

**Notes** The Respondent completed corrective actions on May 21, 2008. This was prior to the NOE issued on November 3, 2008.

**Violation Subtotal** \$1,875

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$11,325

**This violation Final Assessed Penalty (adjusted for limits)** \$10,000

### Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.  
 Case ID No. 36793  
 Reg. Ent. Reference No. RN100212109  
 Media Air  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	20-May-2008	21-May-2008	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the vaporizer gasket with a gasket suitable for frequent thermal cycling to prevent premature gasket failure. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$0

**Screening Date** 13-Nov-2008 **Docket No.** 2008-1773-AIR-E **PCW**  
**Respondent** TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*  
**Case ID No.** 36793 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100212109  
**Media [Statute]** Air  
**Enf. Coordinator** Rebecca Johnson

**Violation Number** 4  
**Rule Cite(s)** Air Permit No. 78962, General Condition No. 8, 30 Tex. Admin. Code § 116.615(2), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions during Incident No. 107571. Specifically, during the May 8, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare over a period of 55 hours and 50 minutes when an extruder would not maintain operation due to inadequate water flow: 1,001 lbs of CO, 892 lbs of VOCs, and 150 lbs of NOx. Since the emissions event was not properly reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment have been exposed to an insignificant amount of pollutants that did not exceed protective levels as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events  Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

One quarterly 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 completed corrective actions on June 1, 2008. This was prior to the NOE issued on November 3, 2008.

**Violation Subtotal** \$1,875

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$11,325

**This violation Final Assessed Penalty (adjusted for limits)** \$11,325

### Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.  
 Case ID No. 36793  
 Reg. Ent. Reference No. RN100212109  
 Media Air  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation included in Violation No. 5.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

<b>Screening Date</b> 13-Nov-2008	<b>Docket No.</b> 2008-1773-AIR-E	<b>PCW</b>
<b>Respondent</b> TOTAL PETROCHEMICALS USA, INC.		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36793		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN100212109		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Rebecca Johnson		
<b>Violation Number</b> 5		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to report Incident No. 107571 within 24 hours after discovery. Specifically, Incident No. 107571 was discovered on May 8, 2008 at 12:00 p.m., however the initial notification was not submitted until May 12, 2008 at 1:06 p.m.	
	<b>Base Penalty</b>	\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual			
Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	
<b>Matrix Notes</b>	Less than 30% of the reporting requirements were not met.				
	<b>Adjustment</b>				\$9,900

\$100

Violation Events

Number of Violation Events        Number of violation days

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

**Violation Base Penalty** \$100

One single event is recommended.

Good Faith Efforts to Comply  Reduction  \$25

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)
<b>Notes</b>	The Respondent completed corrective actions on June 1, 2008. This was prior to the NOE issued on November 3, 2008.	

**Violation Subtotal** \$75

Economic Benefit (EB) for this violation  \$2      Statutory Limit Test

Estimated EB Amount  \$2      Violation Final Penalty Total  \$453

This violation Final Assessed Penalty (adjusted for limits)  \$453

### Economic Benefit Worksheet

**Respondent:** TOTAL PETROCHEMICALS USA, INC.  
**Case ID No.:** 36793  
**Reg. Ent. Reference No.:** RN100212109  
**Media:** Air  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	9-May-2008	1-Jun-2008	0.06	\$0	\$2	\$2
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the monitoring and reporting system to immediately send emissions data to environmental staff to ensure that emissions events are properly reported. Date required is the date the emissions event was due to be reported. Final date is the date corrective actions were completed.

**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

\$500

**TOTAL**

\$2

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 2.94  
 Regulated Entity: RN100212109 TOTAL PETROCHEMICALS USA LA Classification: AVERAGE Site Rating: 5.71  
 PORTE PLANT

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0036S
	AIR OPERATING PERMITS	PERMIT	1293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010880
	AIR NEW SOURCE PERMITS	PERMIT	3908B
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0036S
	AIR NEW SOURCE PERMITS	PERMIT	5206B
	AIR NEW SOURCE PERMITS	PERMIT	54961
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX989
	AIR NEW SOURCE PERMITS	AFS NUM	4820100008
	AIR NEW SOURCE PERMITS	PERMIT	2269C
	AIR NEW SOURCE PERMITS	PERMIT	5236B
	AIR NEW SOURCE PERMITS	PERMIT	21538
	AIR NEW SOURCE PERMITS	PERMIT	35874
	AIR NEW SOURCE PERMITS	PERMIT	18153
	AIR NEW SOURCE PERMITS	PERMIT	54856
	AIR NEW SOURCE PERMITS	REGISTRATION	73925
	AIR NEW SOURCE PERMITS	REGISTRATION	77776
	AIR NEW SOURCE PERMITS	REGISTRATION	77782
	AIR NEW SOURCE PERMITS	REGISTRATION	78962
	AIR NEW SOURCE PERMITS	REGISTRATION	16138
	AIR NEW SOURCE PERMITS	REGISTRATION	21538
	AIR NEW SOURCE PERMITS	REGISTRATION	2560
	AIR NEW SOURCE PERMITS	REGISTRATION	41719
	AIR NEW SOURCE PERMITS	PERMIT	83796
	WASTEWATER	PERMIT	WQ0001000000
	WASTEWATER	PERMIT	TPDES0007421
	WASTEWATER	PERMIT	TX0007421
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD086981172
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30551
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50374
	WATER LICENSING	LICENSE	1010880
	STORMWATER	PERMIT	TXR05M372
Location:	1818 S BATTLEGROUND RD, LA PORTE, TX, 77571		

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 08, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 08, 2003 to December 08, 2008

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

Name: Rebecca Johnson Phone: (361) 825-3420

### 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
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/10/2005

ADMINORDER 2003-0089-AIR-E

Classification: Minor

Citation: 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: Failed to comply with emission limits stated in the Maximum Allowable Emission Rate Table (MAERT) for the Monument No. 2 Flare at emission point number (EPN) ES-205 and the Waste Heat Incinerator at EPN ES-202.

Classification: Minor

Citation: 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: SC3 PERMIT

Description: Failed to comply with the emission limits stated in the MAERT for the Train 8 Flare at EPN ES-805, respectively.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

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

Description: Failed to make the notations of observations in the flare operation log regarding the EPNs ES-205 (Permit No. 3908B) and ES-805 (Permit No. 21538). Specifically, there was no documentation that the flares were observed, time of day, and whether or not they were smoking.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2

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

Rqmt Prov: SC4 PERMIT

Description: Failed to make the first attempt to repair components with tag numbers 05068.2, 00925, 01112, 00012.1, 00076.1, 00305, 00446, 00669.1, 02637.2, 02707, 02715.1 within 5 calendar days after

the leak was discovered and to complete the repair for the component with tag number 00008 within 15 days after the leak was discovered

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4 PERMIT

Description: Failed to conduct the initial performance test to determine the destruction efficiency of the Blender/Feeder Vent Gas Catalytic Oxidizer at EPN ES-975.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart DDD 60.565(k)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4 PERMIT

Description: Failed to submit the semiannual reports.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain the records of operating hours and abrasive material usage for the outside abrasive blast cleaning activity.

**Effective Date: 09/30/2005**

**ADMINORDER 2005-0146-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: 21538, S.C. 6 & 12.C PERMIT

Description: Failed to prevent unauthorized emissions at the Plant from the Train 8 Flare (EPN ES-805), causing the release of 3,466 pounds (lbs.) of propylene, 1,724 lbs. of carbon monoxide, 215 lbs. of nitrogen oxide, 24 lbs. of nitrogen dioxide to the atmosphere.

Classification: Moderate

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

Rqmt Prov: 3908B, S.C. 1 PERMIT

Description: Failed to prevent unauthorized emissions at the Plant from the Monument 2 Flare (EPN ES-205), causing the release of 4,868 pounds (lbs.) of propylene, 1,724 lbs. of carbon monoxide, 215 lbs. of nitrogen oxide, 24 lbs. of nitrogen dioxide to the atmosphere.

**Effective Date: 09/30/2005**

**ADMINORDER 2005-0171-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: TCEQ Air Permit No. 21538, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

**Effective Date: 02/05/2006**

**ADMINORDER 2005-0540-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 2 PERMIT

Description: Failed to prevent unauthorized emissions of 346.98 pounds (lbs) of volatile organic compounds (VOCs) and failed to operate the flare with a flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 21538, SC 12B PERMIT  
TCEQ Air Permit No. 21538, SC 6 PERMIT

Description: Failed to prevent unauthorized emissions of 319.91 lbs of VOCs and failed to operate the flare with a flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 4,892.56 lbs of VOCs.

**Effective Date: 03/06/2006**

**ADMINORDER 2004-2037-IWD-E**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Permit Condition 2.g. OP

Description: Failure to prevent unauthorized discharges (UDs) from the Outfall 001 collection system.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations OP

Description: Failure to comply with the permitted effluent limits for total suspended solids (TSS) and flow at Outfall 001.

**Effective Date: 03/19/2007**

**ADMINORDER 2006-1040-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT  
TCEQ Permit #3908B, SC #2 PERMIT

Description: Total is alleged to have failed to prevent unauthorized emissions during a May 14, 2006 emissions event.

**Effective Date: 04/13/2007**

**ADMINORDER 2006-1656-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #21538, SC #6 PERMIT

Description: Failure to prevent unauthorized emissions during an emission event that started on June 26, 2006

Classification: Minor

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

Description: Failed to make initial notification within twenty-four hours after discovering the emissions event that started on June 26, 2006.

**Effective Date: 08/10/2007**

**ADMINORDER 2006-2092-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT  
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failure to prevent unauthorized emissions during an August 20, 2006 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT  
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failed to prevent unauthorized emissions during an August 21, 2006 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT  
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failed to prevent unauthorized emissions during an August 29, 2006 emissions event.

**Effective Date: 01/28/2008**

**ADMINORDER 2007-1139-AIR-E**

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 3908B PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 204 pounds ("lbs") of unauthorized emissions of polypropylene were released into the atmosphere from the Monument 2 Flare due to TOTAL's failure to clean the V-882 Propane Knock-out Drum's demister pad. The emissions event occurred on February 20, 2007 and lasted twelve hours.

**Effective Date: 04/03/2008**

**ADMINORDER 2007-1593-AIR-E**

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failure to prevent an unauthorized emissions event.

**Effective Date: 04/28/2008**

**ADMINORDER 2007-1425-AIR-E**

Classification: Minor

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

Description: Failure to notify the TCEQ Regional Office of the emissions event within 24 hours of discovery, as required by 30 TAC 101.201(a)(1).

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: The RE failed to control the unauthorized emissions from the Emissions Event (Inc. # 91837) that occurred on May 12, 2007.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: The RE failed to present an affirmative defense for the emissions event. They did not know the underlying cause of the flow control valve positioner failure, and did not keep useful reliability / maintenance data on control valves and their auxiliary equipment.

**Effective Date: 05/22/2008**

**ADMINORDER 2007-1879-IWD-E**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

**Effective Date: 07/21/2008**

**ADMINORDER 2008-0162-AIR-E**

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 11, 2007 (Incident No. 95742).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Maximum Emission Rate Table PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: SC 6 PERMIT

Description: Failed to prevent unauthorized emissions.

**Effective Date: 08/29/2008**

**ADMINORDER 2008-0414-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: MERT PERMIT

Description: failed to prevent unauthorized emissions, Specifically, 145 pounds of propylene were released when the reaction in Train 8 Propylene Unit became unstable due to a faulty flow meter, resulting in an emissions event that began on October 14, 2007, and lasted for 26 hours and 25 minutes (Incident No. 98719).

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	12/29/2003	(296389)
2	01/05/2004	(255495)
3	02/23/2004	(296371)
4	03/16/2004	(265480)
5	03/29/2004	(263338)
6	04/12/2004	(296375)
7	05/12/2004	(269428)
8	05/12/2004	(269433)

9	05/21/2004	(296378)
10	05/26/2004	(272485)
11	06/02/2004	(269938)
12	06/07/2004	(296382)
13	06/14/2004	(274068)
14	06/21/2004	(296380)
15	07/09/2004	(296376)
16	07/22/2004	(280434)
17	08/11/2004	(286884)
18	08/24/2004	(352560)
19	09/01/2004	(278961)
20	09/01/2004	(279062)
21	09/20/2004	(352561)
22	10/08/2004	(335547)
23	10/13/2004	(352562)
24	10/18/2004	(335599)
25	10/19/2004	(335923)
26	10/22/2004	(337805)
27	11/03/2004	(338415)
28	11/11/2004	(290843)
29	11/12/2004	(335862)
30	11/16/2004	(352563)
31	11/23/2004	(352564)
32	12/13/2004	(336657)
33	12/13/2004	(338130)
34	12/14/2004	(338399)
35	12/20/2004	(295860)
36	12/20/2004	(338218)
37	12/20/2004	(338479)
38	12/27/2004	(382038)
39	12/28/2004	(338056)
40	12/29/2004	(343603)
41	12/29/2004	(343604)
42	12/31/2004	(290574)
43	12/31/2004	(291344)
44	01/06/2005	(291924)
45	01/06/2005	(337400)
46	01/07/2005	(292094)
47	01/07/2005	(336686)
48	01/07/2005	(338040)
49	01/10/2005	(262199)
50	01/13/2005	(345723)
51	01/26/2005	(342525)
52	02/22/2005	(382035)
53	02/23/2005	(349878)
54	02/24/2005	(350275)
55	02/24/2005	(350282)
56	03/01/2005	(349965)
57	03/02/2005	(372226)
58	03/08/2005	(372848)
59	03/21/2005	(382036)
60	03/22/2005	(382037)
61	03/24/2005	(349942)
62	03/24/2005	(372227)
63	03/29/2005	(371421)
64	04/01/2005	(375065)
65	04/08/2005	(348307)
66	04/28/2005	(374278)
67	06/03/2005	(376795)

68	06/03/2005	(419886)
69	06/23/2005	(379202)
70	06/24/2005	(419887)
71	06/27/2005	(392492)
72	07/05/2005	(395955)
73	07/05/2005	(396243)
74	07/08/2005	(395145)
75	07/08/2005	(395147)
76	07/08/2005	(395152)
77	07/12/2005	(398015)
78	08/10/2005	(404200)
79	08/19/2005	(441002)
80	08/23/2005	(404907)
81	08/25/2005	(405920)
82	09/12/2005	(441005)
83	09/19/2005	(441003)
84	10/21/2005	(441004)
85	11/03/2005	(418739)
86	11/21/2005	(435975)
87	11/28/2005	(468737)
88	01/24/2006	(468738)
89	01/24/2006	(468739)
90	02/14/2006	(468736)
91	02/15/2006	(453303)
92	02/21/2006	(455020)
93	02/23/2006	(455888)
94	02/25/2006	(456928)
95	02/27/2006	(456559)
96	02/28/2006	(457140)
97	02/28/2006	(457150)
98	02/28/2006	(457170)
99	03/20/2006	(498411)
100	04/24/2006	(463428)
101	04/25/2006	(458264)
102	04/27/2006	(456175)
103	05/01/2006	(498412)
104	05/16/2006	(463577)
105	05/16/2006	(463907)
106	05/16/2006	(465691)
107	05/17/2006	(465592)
108	05/26/2006	(467560)
109	05/30/2006	(498413)
110	05/31/2006	(480470)
111	05/31/2006	(480475)
112	06/07/2006	(498416)
113	06/20/2006	(498414)
114	06/22/2006	(482832)
115	06/22/2006	(482925)
116	06/23/2006	(483058)
117	06/29/2006	(481055)
118	06/29/2006	(484017)
119	07/12/2006	(484022)
120	07/13/2006	(498415)
121	07/14/2006	(484429)
122	07/26/2006	(487037)
123	08/03/2006	(487671)
124	08/03/2006	(488357)
125	08/04/2006	(345748)
126	08/17/2006	(484538)

127	08/21/2006	(520418)
128	08/21/2006	(520420)
129	09/05/2006	(497455)
130	09/05/2006	(509499)
131	09/07/2006	(510865)
132	09/08/2006	(489217)
133	09/22/2006	(520419)
134	10/06/2006	(530970)
135	10/16/2006	(511833)
136	10/20/2006	(575734)
137	11/06/2006	(516491)
138	11/20/2006	(517197)
139	11/21/2006	(516694)
140	11/21/2006	(575735)
141	02/05/2007	(534573)
142	02/12/2007	(575728)
143	02/15/2007	(539452)
144	03/09/2007	(539872)
145	03/13/2007	(542326)
146	03/19/2007	(536804)
147	03/22/2007	(542671)
148	03/22/2007	(542675)
149	03/22/2007	(575729)
150	04/04/2007	(575733)
151	04/10/2007	(543717)
152	04/12/2007	(540389)
153	04/13/2007	(575730)
154	04/23/2007	(556287)
155	04/30/2007	(542574)
156	05/08/2007	(559591)
157	05/14/2007	(556174)
158	05/16/2007	(555746)
159	05/16/2007	(555751)
160	05/16/2007	(575731)
161	05/25/2007	(536112)
162	05/30/2007	(556956)
163	05/31/2007	(559121)
164	05/31/2007	(559123)
165	06/08/2007	(555120)
166	06/08/2007	(562000)
167	06/15/2007	(555757)
168	06/18/2007	(561134)
169	06/19/2007	(562094)
170	06/20/2007	(561136)
171	06/21/2007	(560635)
172	06/21/2007	(560640)
173	06/22/2007	(575732)
174	06/25/2007	(560632)
175	06/27/2007	(561137)
176	07/05/2007	(560624)
177	07/18/2007	(565537)
178	07/24/2007	(561139)
179	07/30/2007	(565237)
180	08/13/2007	(566645)
181	08/20/2007	(607606)
182	08/29/2007	(565319)
183	09/11/2007	(569993)
184	09/21/2007	(607607)
185	09/26/2007	(570766)

186 10/17/2007 (594536)  
 187 10/18/2007 (594393)  
 188 10/23/2007 (619670)  
 189 10/23/2007 (619672)  
 190 11/12/2007 (599234)  
 191 11/12/2007 (619673)  
 192 11/19/2007 (572263)  
 193 11/20/2007 (597561)  
 194 11/26/2007 (619671)  
 195 11/30/2007 (600058)  
 196 12/07/2007 (600059)  
 197 12/11/2007 (597559)  
 198 12/17/2007 (609853)  
 199 01/28/2008 (570970)  
 200 01/30/2008 (613375)  
 201 02/15/2008 (612150)  
 202 02/21/2008 (672192)  
 203 03/10/2008 (616035)  
 204 03/10/2008 (616237)  
 205 03/24/2008 (690105)  
 206 03/31/2008 (610624)  
 207 04/14/2008 (690106)  
 208 05/09/2008 (640759)  
 209 05/16/2008 (690107)  
 210 05/16/2008 (690108)  
 211 05/30/2008 (640765)  
 212 06/04/2008 (654889)  
 213 06/05/2008 (671448)  
 214 06/11/2008 (671449)  
 215 06/11/2008 (671450)  
 216 06/18/2008 (682521)  
 217 06/30/2008 (681219)  
 218 06/30/2008 (682520)  
 219 07/02/2008 (683653)  
 220 07/10/2008 (683615)  
 221 07/18/2008 (685477)  
 222 07/22/2008 (687013)  
 223 07/25/2008 (686100)  
 224 08/01/2008 (687683)  
 225 08/13/2008 (686959)  
 226 08/13/2008 (688033)  
 227 08/19/2008 (685005)  
 228 08/19/2008 (686804)  
 229 10/03/2008 (704204)  
 230 10/30/2008 (688227)  
 231 10/31/2008 (699758)  
 232 11/03/2008 (699774)  
 233 11/03/2008 (699972)  
 234 11/21/2008 (704275)

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

**Date:** 01/06/2004 (255495)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)

Description: Failed to make revisions to the second half of 2002,  
and the first half 2003 semiannual reports.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)  
Description: API failed to include facts why repairs of leaking components with list components tag numbers in the PP9 Train were not made within 15 days in their semiannual reports.  
API failed to include facts why repairs of leaking components with list components tag numbers in the PP9 Train were not made within 15 days in thei

**Date: 03/29/2004 (263338)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Permit No. 21538, Special Condition 6 PA  
Description: The facility failed to control unauthorized emissions.

**Date: 06/30/2004 (296382)**

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: 08/31/2004 (352561)**

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: 11/30/2004 (382038)**

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: 05/31/2005 (419887)**

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: 06/22/2005 (379202)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Description: Failure to properly seal the end of a line containing VOCs

**Date: 07/08/2005 (395145)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: Failure to update the Notice of Registration (NOR)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: Failure to conduct the inspection of containers on a regular weekly basis

**Date: 07/31/2005 (441002)**

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: 02/15/2006 (453303)**

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)  
NSR Permit 21538, Special Condition 6 PERMIT  
OP O-01293, Special Condition 11 OP

Description: Exceeded their MAERT limit because the temperature in the Enclosed Vapor Combustor was not maintain in order to achieve the destruction efficiency for VOC.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 18153, Special Condition 4 PERMIT  
OP O-01293, Special Condition 11 OP

Description: Exceeded their VOC emissions limits in Train 7.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 18153, Special Condition 10 PERMIT  
OP O-01293, Special Condition 11 OP

Description: Failed to measure the residual VOC concentration in Train 7 using an approved TCEQ test method.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.146(4)  
NSR Permit 18153, Special Condition 18D PERMIT  
OP O-01293, Special Condition 11 OP

Description: Failed to measure the residual VOC concentration in Trains 8 & 9 using an approved TCEQ test method.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.352(4) and 40 CFR 60.482-6 (a)(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)  
NSR Permit 2269C, Special Condition 19 PERMIT  
OP Permit O-01293, Special Condition 11 OP

Description: Exceeded their MAERT emissions limit for the cooling tower, which is a violation of 30 TAC 116.115(b)(2)(F) and NSR 2269C S.C. 19.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failed to preform a first attempt at repair for thirteen components, which is a violation of 30 TAC 115.782(b)(1).

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

Description: Exceeded the 3 percent threshold of difficult to monitor valves in relation to the total number of valves, which is a violation of 40 CFR 60.482-7(h)(2).

**Date: 05/31/2006 (498414)**

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: 06/27/2006 (484538)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter C 37.251(d)

Description: Failure to provide a FT demonstration 90 days after company's fiscal year - but was subsequently resolved on 7-21-06 when we received a financial test

demonstration.

**Date: 10/06/2006 (530970)**

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

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: 10/16/2006 (511833)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Air Permit #3908B, SC #1 PERMIT

Description: TOTAL failed to control the temperature on the Monument 2 reboiler which resulted in unauthorized emissions.

**Date: 10/31/2006 (575735)**

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 (575730)**

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: TWC Chapter 26 26.121(a)  
Failure to meet the limit for one or more permit parameter

**Date: 04/11/2007 (540389)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)  
TWC Chapter 26 26.121(a)(1)  
TWC Chapter 26 26.121(a)(2)  
TWC Chapter 26 26.121(a)(3)  
TWC Chapter 26 26.121(b)  
TWC Chapter 26 26.121(c)  
TWC Chapter 26 26.121(d)  
TWC Chapter 26 26.121(e)

Description: Failure to prevent the unauthorized discharge from the collection system.

**Date: 04/30/2007 (575731)**

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: 05/25/2007 (536112)**

Self Report? NO Classification: Moderate

Citation: 21538, SC 13 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.146(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

O-1293, Special Conditions 1 & 11 OP  
Description: Failure to maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor Combustor ES-976.

Self Report? NO Classification: Moderate

Citation: 1293, Special Condition OP  
2269C, SC 2 PA  
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)

Description: Failure to control non-fugitive emissions of gases to the atmosphere from rupture discs.

Self Report? NO Classification: Moderate

Citation: 1293, SC 1 OP  
21538, SC 5 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart DDD 60.562-1(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain the required average temperature entering the catalyst bed to ensure destruction efficiency for Blender/Feeder Vent Gas Catalytic Oxidizer (ES-975).

Self Report? NO Classification: Moderate

Citation: 1293, Special Condition 1 OP  
2269C, SC1 PA  
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)

Description: Exceeded permit limits at Monument I Pellet Handling System during December 2005.

Self Report? NO Classification: Moderate

Citation: 18153, SC No. 8E PA  
21538, SC No. 1E PA  
2269C, SC No. 11E PA  
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)  
3908B, SC No. 4E PA  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

O-01293, SC No. 11 OP  
Description: Failure to ensure that each open-ended line is equipped with a cap or plug.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
O-01293, General Terms and Conditions OP

Description: Failure to submit the annual compliance certification to the TCEQ no later than 30 days after the end of the certification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
O-01293, General Terms and Conditions OP

Description: Failure to submit the six-month deviation report no later than 30 days after the end of the deviation period.

**Date: 05/31/2007 (575732)**

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: 06/12/2007 (555757)**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: The RE failed to report the emissions of CO and NO in the Final (14-day) Report. While these emissions did not exceed an RQ, 30 TAC 101.201(b)(1)(G,H) still requires that these emissions be included in the Final Report.

**Date: 06/30/2007 (575733)**

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: 07/24/2007 (561139)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Air Permit No. 3908B Special Condition 1 PERMIT  
Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of the emissions event.

**Date: 07/31/2007 (607606)**

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: 08/31/2007 (607607)**

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: 09/30/2007 (619670)**

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

**Date: 10/31/2007 (619671)**

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: 01/31/2008 (672192)**

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: 02/29/2008 (690105)**

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: 04/01/2008 (610624)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special Terms & Cond. No. 1(A) OP  
Description: Failure to record the NOx concentration in the Waste Heat Boiler's (M2A-BO-3) stack.

Self Report? NO Classification: Minor  
 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(5)(C)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, General Terms & Conditions OP  
 Description: Failure to report all deviations in semi-annual deviation and annual compliance certification reports.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP  
 Description: Failure to perform the required sampling after the out-of-order periods for the Train 8 Cooling Tower and Monument 1 Cooling Tower online HRVOC monitors exceeded 24 hours.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP  
 Description: Failure of the Monument 1 and Train 8 Cooling Tower monitoring systems to continuously operate at least 95% of the annual cooling tower operating time.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3908B, Special Condition No. 2 PERMIT  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 11 OP  
 Description: Failure to operate the Monument 2 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO Classification: Moderate  
 Citation: 21538, Special Condition No. 12(A) PERMIT  
 30 TAC Chapter 115, SubChapter H 115.722(d)  
 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 A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 11 OP  
 Description: Failure to operate the Train 8 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP  
 Description: Failure to commence taking daily samples within ten hours of the Train 8 Flare on-line analyzer malfunction after exceeding eight hours of downtime.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)  
 30 TAC Chapter 115, SubChapter H 115.764(a)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP  
 Description: Failure to operate a system to continuously determine the total strippable volatile organic compound (VOC) concentration at the Monument 1, Trains 1, 5/6, 7, 8, and 9 cooling towers and failure to determine the speciated strippable highly-reactive volatile organic compound (HRVOC) concentration.

Self Report? NO Classification: Minor  
 Citation: 21538, Special Condition No. 20(E) PERMIT  
 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)  
 O-01293, Special Terms & Cond. No. 11 OP

Description: Failure to report when the Waste Heat Boiler (M2A-BO-3) in-stack CO concentration exceeded the 100 ppmv permit limit to the TCEQ Regional Office within 48 hours.

Date: 08/13/2008 (688033)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
TCEQ Standard Permit No. 78962, GC #8 PERMIT

Description: TOTAL failed to prevent a high pressure drop across the Train 7 Cyclofilter.

F. Environmental audits.

Notice of Intent Date: 04/16/2004 (274485)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOTAL PETROCHEMICALS USA,  
INC.  
RN100212109

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1773-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 chemical manufacturing facility at 1818 South Battleground Road in La Porte, Harris 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 November 4, 2008, November 5, 2008, and November 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 Forty-Three Thousand One Hundred Three Dollars (\$43,103) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Thirty-Four Thousand Four Hundred Eighty-Three Dollars (\$34,483) of the administrative penalty and Eight Thousand Six Hundred Twenty Dollars (\$8,620) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Completed modification of the test pressure points for the emergency control system on May 15, 2008, to prevent the recurrence of emissions events due to the same cause as Incident No. 107743;
  - b. Replaced the vaporizer gasket with a gasket suitable for frequent thermal cycling on May 21, 2008, to prevent the recurrence of emissions events due to the same cause as Incident No. 108007;
  - c. Updated the monitoring and reporting system on June 1, 2008 to immediately send emissions data to environmental staff to ensure that emissions events are properly reported; and
  - d. Completed modification to the continuous take-off valve and the bottom of the cyclofilter on July 15, 2008, to prevent the recurrence of emissions events due to the same cause as Incident No. 109106.
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 prevent unauthorized emissions during Incident No. 109106, in violation of Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 14, 2008. Specifically, during the June 10, 2008 emissions event emissions the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer during the emissions event that lasted 37 hours and 40 minutes when a cyclofilter became plugged: 365 pounds ("lbs") of volatile organic compounds ("VOCs"), 357 lbs of propylene, 20 lbs of nitrogen oxides ("NO<sub>x</sub>"), and 290 lbs of carbon monoxide ("CO"). Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to prevent unauthorized emissions during Incident No. 107743, in violation of Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 22, 2008. Specifically, during the May 14, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer over a period of 23 hours and 30 minutes when an incorrect test signal was sent and an emergency safety valve opened: 502 lbs of CO, 22 lbs of NO<sub>x</sub>, and 438 lbs of VOCs. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. Failed to prevent unauthorized emissions during Incident No. 108007, in violation of Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 20, 2008. Specifically, during the May 20, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare and the Thermal Oxidizer over a period of five hours and five minutes when a gasket failed on Exchanger E-379: 233 lbs of VOCs, 204 lbs of CO, and 25 lbs of NO<sub>x</sub>. Since the emissions event could have been avoided through better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
4. Failed to prevent unauthorized emissions during Incident No. 107571, in violation of Air Permit No. 78962, General Condition No. 8, 30 TEX. ADMIN. CODE § 116.615(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 15, 2008. Specifically, during the May 8, 2008 emissions event the following unauthorized emissions were released from the Monument 2 Flare over a period of 55 hours and 50 minutes when an extruder would not maintain operation due to inadequate water flow: 1,001 lbs of CO, 892 lbs of VOCs, and 150 lbs of NO<sub>x</sub>. Since the emissions event was not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
5. Failed to report Incident No. 107571 within 24 hours after discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 15, 2008. Specifically, Incident No. 107571 was discovered on May 8, 2008 at 12:00 p.m., however the initial notification was not submitted until May 12, 2008 at 1:06 p.m.

### III. DENIALS

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

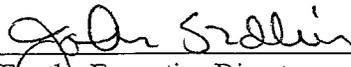
### IV. ORDERING PROVISIONS

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. 2008-1773-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 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.
3. 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.
4. 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.
5. 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

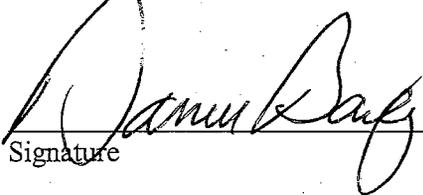
4/2/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

2-27-09  
Date

DARRELL E. BAILEY  
Name (Printed or typed)  
Authorized Representative of  
TOTAL PETROCHEMICALS USA, INC.

PLANT 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.

