EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1173-AIR-E **TCEQ ID:** RN100212109 **CASE NO.:** 36238

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 PETROCHEMICALS USA LA PORTE PLANT, 1818 South Battleground Road, La Porte, Harris County

TYPE OF OPERATION: Petrochemical plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1773-AIR-E and 2009-0013-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 March 30, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Ronald Copeland, Environmental Coordinator, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536

Mr. Darrell E. Bailey, Plant Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536

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 _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 18 and 27, 2008 and July 2 and 18, 2008 **Date of NOV/NOE Relating to this Case:** July 1, 10, and 25, 2008 and August 13 and 19, 2008 (NOE) **Background Facts:** These were routine investigations. **AIR** 1) Failure to prevent unauthorized emissions. Specifically, 1,111 pounds ("lbs") of carbon monoxide, 128 lbs of nitrogen oxides, 1,470 lbs of propylene, 17 lbs of propane and one lb of ethylene were released into the atmosphere due to the contractor rolling electrical wire onto a spool when the end of the wire recoiled and hit an electrical breaker switch resulting in the loss of electric power to Compressor K-5 causing a safety interlock to trip and shutdown Trains 5 & 6 in the Monument 2 Flare System. The emissions event occurred on April 6, 2008 and lasted five hours and 30 minutes (Incident No. 105910). Since the emissions event was avoidable by better operation practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Standard Permit No. 78962, General Condition No. 8]. 2) Failure to prevent unauthorized emissions. Specifically, 3,959 lbs of carbon monoxide, 481 lbs of nitrogen oxides, 3,053 lbs of propylene, 112 lbs of propane and one lb of ethylene were released into the atmosphere due to a gas leak that affected the inboard and outboard	**Total Assessed:** $83,424 **Total Deferred:** $16,684 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $66,740 **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. On April 9, 2008, the Respondent changed procedures so that electrical contractor(s) would continue to install electrical equipment, conduit and pull wire, but would not be allowed to make any electrical terminal tie-ins or terminal connections and conducted 2-3 days of electrical refresher training concerning working around live electrical circuits and Plant operations (Incident No. 105910); b. On June 3, 2008, the Respondent dried the conduit line to ensure water had been removed and sealed the union, checked the conduit in area to make sure seals and connections were secure, cleaned and repaired the hand switch and low point drain and counseled operators regarding electrical equipment maintenance practices (Incident No. 108477); c. On April 4, 2008, the Respondent relieved excess pressure in process equipment to the Monument 2 Flare System. The K-5 seal was shipped out for repairs and returned to service; also, ensured a spare seal is on site at all times (Incident No. 105683); d. On May 8, 2008, operations personnel stopped the reaction and initiated action to stabilize upset conditions. The bypass valve which did not completely close was shipped out for service. The service company placed a larger actuator on the valve and it was immediately placed back into service (Incident No. 107406); e. On June 30, 2008, the Respondent trained operations personnel to ensure they redirect the vents to the thermal oxidizer immediately after an automatic shutdown (Incident No. 107962); and f. On April 29, 2008, the Respondent implemented an electronic system that is visible in each control room displaying the flare analyzer data with alarms when a

seals of Compressor K-5 during standard quarterly leak detection and repair monitoring. The emissions event occurred on March 31, 2008 to April 4, 2008 and lasted 82 hours and 30 minutes (Incident No. 105683). Since the emissions event was avoidable by better maintenance practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Standard Permit No. 78962, General Condition No. 8]. 3) Failure to prevent unauthorized emissions. Specifically, 788.92 lbs of propylene were released into the atmosphere due to the failure to prevent water from entering a loose conduit union above Train 7 Feed Pump, causing the pump to shutdown. The emissions event occurred on June 2 and 3, 2008 and lasted 26 hours and 30 minutes (Incident No. 108477). Since the emissions event was avoidable by better operation and maintenance practices, the Respondent failed meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Standard Permit No. 78962, General Condition No. 8]. 4) Failure to prevent unauthorized emissions. Specifically, 678 lbs of carbon monoxide, 37 lbs of nitrogen oxides, 692 lbs of propylene and 25 lbs of propane were released into the atmosphere due to the failure to properly control cooling water flow to a polymerization reactor cooling jacket, resulting in insufficient reactor cooling and an emergency shutdown due to high reactor temperature. The emissions event occurred on May 6 and 7, 2008 and lasted 21 hours and five minutes (Incident No. 107406). Since the emissions event was avoidable by better equipment design of the temperature control system, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Standard Permit No. 78962, General Condition No. 8]. 5) Failure to prevent unauthorized emissions. Specifically, 293 lbs of carbon monoxide, 15 lbs of nitrogen oxides, 145 lbs of propylene and 11 lbs of propane were released into the atmosphere due to		regulatory limit is being approached; also, reviewed reporting criteria to ensure timely and accurate reporting with personnel (Incident No. 106126).

the failure to redirect vents from the flare header to the thermal oxidizer (ES-215) after it was shutdown during a maintenance activity. The emissions event occurred on May 19, 2008 and lasted 12 hours (Incident No. 107962). Since the emissions event was avoidable by better operation practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Standard Permit No. 78962, General Condition No. 8]. 6) Failure to prevent unauthorized emissions. Specifically, 3,585 lbs of carbon monoxide, 406 lbs of nitrogen oxides, 2,818 lbs of propylene, and 108 lbs of propane were released during an air startup activity when the actual propylene emissions exceeded the initial estimate of propylene emissions by more than the reportable quantity and initial notification was not submitted within 24 hours of discovery. The emissions event occurred on April 16, 2008 to May 1, 2008 and lasted 347 hours and 25 minutes (Incident No. 106126). Since the emissions event was not properly reported, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Standard Permit No. 78962, General Condition No. 8]. 7) Failure to report the emissions event that occurred on April 16, 2008 to May 1, 2008 within 24 hours of discovery (Incident No. 106126) [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: HG0036S

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	25-Aug-2008				
PCW	22-Sep-2008	Screening	4-Sep-2008	EPA Due	18-May-2009

RESPONDENT/FACILITY INFORMATION

Respondent	TOTAL PETROCHEMICALS USA, INC.		
Reg. Ent. Ref. No.	RN100212109		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36238	No. of Violations	7
Docket No.	2008-1173-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $20,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 349.0% Enhancement — *Subtotals 2, 3, & 7* $70,149

Notes: Penalty enhanced due to six NOVs for same or similar violations, eight NOVs for unrelated issues, 17 unrelated effluent discharge violations, eleven 1660-style Agreed Orders with denial of liability and two Findings Agreed Orders without denial of liability. Penalty reduction due to one Notice of an Audit submitted.

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* $5,025

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

Total EB Amounts $43
Approx. Cost of Compliance $29,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $85,224

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $85,224

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $83,424

DEFERRAL 20.0% Reduction — *Adjustment* -$16,684

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 $66,740

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

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*)	6	30%
	Other written NOVs	25	50%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	11	220%
	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 (*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)*	1	-1%
	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) 349%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhanced due to six NOVs for same or similar violations, eight NOVs for unrelated issues, 17 unrelated effluent discharge violations, eleven 1660-style Agreed Orders with denial of liability and two Findings Agreed Orders without denial of liability. Penalty reduction due to one Notice of an Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 349%

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Tex. Health & Safety Code § 382.085(b) and Standard Permit No. 78962, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, 1,111 pounds ("lbs") of carbon monoxide, 128 lbs of nitrogen oxides, 1,470 lbs of propylene, 17 lbs of propane and one lb of ethylene were released into the atmosphere due to the contractor rolling electrical wire onto a spool when the end of the wire recoiled and hit an electrical breaker switch resulting in the loss of electric power to Compressor K-5 causing a safety interlock to trip and shutdown Trains 5 & 6 in the Monument 2 Flare System. The emissions event occurred on April 6, 2008 and lasted five hours and 30 minutes (Incident No. 105910). Since the emissions event was avoidable by better operation practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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 in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 — 1 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

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 April 9, 2008.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $10,600

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

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)				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	$5,000	6-Apr-2008	9-Apr-2008	0.01	$2	n/a	$2
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 implement measures designed to ensure proper screening and training to minimize the likelihood of a recurrence (Incident No. 105910). Date required is the date of violation. Final date based on 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 $5,000

TOTAL $2

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 36238

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Tex. Health & Safety Code § 382.085(b) and Standard Permit No. 78962, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, 3,959 lbs of carbon monoxide, 481 lbs of nitrogen oxides, 3,053 lbs of propylene, 112 lbs of propane and one lb of ethylene were released into the atmosphere due to a gas leak that affected the inboard and outboard seals of Compressor K-5 during standard quarterly leak detection and repair monitoring. The emissions event occurred on March 31, 2008 to April 4, 2008 and lasted 82 hours and 30 minutes (Incident No. 105683). Since the emissions event was avoidable by better maintenance practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 4 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

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 completed corrective actions on April 4, 2008.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $21,200

This violation Final Assessed Penalty (adjusted for limits) $21,200

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
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	31-Mar-2008	4-Apr-2008	0.01	$3	n/a	$3

Notes for DELAYED costs: Estimated cost to repair seals and implement measures designed to ensure that a spare seal is on site for each compressor seal (Incident No. 105683). Date required is the date of violation. Final date based on 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 $5,000

TOTAL $3

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Tex. Health & Safety Code § 382.085(b) and Standard Permit No. 78962, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, 788.92 lbs of propylene were released into the atmosphere due to the failure to prevent water from entering a loose conduit union above Train 7 Feed Pump, causing the pump to shutdown. The emissions event occurred on June 2 and 3, 2008 and lasted 26 hours and 30 minutes (Incident No. 108477). Since the emissions event was avoidable by better operation and maintenance practices, the Respondent failed meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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 in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 2 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

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 3, 2008.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $10,600

This violation Final Assessed Penalty (adjusted for limits) $10,600

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
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				0.00	$0	n/a	$0
Other (as needed)	$5,000	2-Jun-2008	3-Jun-2008	0.00	$1	n/a	$1

Notes for DELAYED costs Estimated cost to implement measures designed to prevent water from entering conduit lines (Incident No. 108477). Date required is the date of violation. Final date based on 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 $5,000

TOTAL $1

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Tex. Health & Safety Code § 382.085(b) and Standard Permit No. 78962, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, 678 lbs of carbon monoxide, 37 lbs of nitrogen oxides, 692 lbs of propylene and 25 lbs of propane were released into the atmosphere due to the failure to properly control cooling water flow to a polymerization reactor cooling jacket, resulting in insufficient reactor cooling and an emergency shutdown due to high reactor temperature. The emissions event occurred on May 6 and 7, 2008 and lasted 21 hours and five minutes (Incident No. 107406). Since the emissions event was avoidable by better design and operation of the temperature control system, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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 in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 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

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 May 8, 2008.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $10,600

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

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 4

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)	$4,500	6-May-2008	8-May-2008	0.01	$1	n/a	$1

Notes for DELAYED costs Estimated cost to implement measures designed to ensure that the bypass valve is completely closed (Incident No. 107406). Date required is the date of violation. Final date based on 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 $4,500

TOTAL $1

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Tex. Health & Safety Code § 382.085(b) and Standard Permit No. 78962, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, 293 lbs of carbon monoxide, 15 lbs of nitrogen oxides, 145 lbs of propylene and 11 lbs of propane were released into the atmosphere due to the failure to keep the thermal oxidizer (ES-215) in operation during a maintenance activity, which routed extra volatile organic compound vent gas streams to the Monument 2 Flare System. The emissions event occurred on May 19, 2008 and lasted 12 hours (Incident No. 107962). Since the emissions event was avoidable by better operation practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 — 1 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

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 30, 2008.

Violation Subtotal $1,875

Economic Benefit (EB) for this violation

Estimated EB Amount $29

Statutory Limit Test

Violation Final Penalty Total $10,600

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

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 5

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	$5,000	19-May-2008	30-Jun-2008	0.12	$29	n/a	$29
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 implement measures designed to provide operator training regarding the status of the Monument 2 Thermal Oxidizer during maintenance (Incident No. 107962). Date required is the date of violation. Final date based on 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 $5,000

TOTAL $29

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Tex. Health & Safety Code § 382.085(b) and Standard Permit No. 78962, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, 3,585 lbs of carbon monoxide, 406 lbs of nitrogen oxides, 2,818 lbs of propylene, and 108 lbs of propane were released during an air startup activity when the actual propylene emissions exceeded the initial estimate of propylene emissions by more than the reportable quantity and initial notification was not submitted within 24 hours of discovery. The emissions event occurred on April 16, 2008 to May 1, 2008 and lasted 347 hours and 25 minutes (Incident No. 106126). Since the emissions event was not properly reported, the Respondent failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 15 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

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 completed corrective actions on April 29, 2008.

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $21,200

This violation Final Assessed Penalty (adjusted for limits) $21,200

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 6

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)				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)	$4,500	16-Apr-2008	29-Apr-2008	0.04	$8	n/a	$8

Notes for DELAYED costs Estimated cost to implement measures designed to ensure timely and accurate reporting (Incident No. 106126). Date required is the discovery date of the violation. Final date based on 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 $4,500

TOTAL $8

Screening Date 4-Sep-2008 **Docket No.** 2008-1173-AIR-E **PCW**

Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*

Case ID No. 36238 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report the emissions event that occurred on April 16, 2008 to May 1, 2008 within 24 hours of discovery (Incident No. 106126).

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirement was not met.

Adjustment $9,900

$100

Violation Events

1 — 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction — $25

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

Notes: The Respondent completed corrective actions on April 29, 2008.

Violation Subtotal $75

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $424

This violation Final Assessed Penalty (adjusted for limits) $424

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 36238
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 7

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)				0.00	$0	n/a	$0
Notes for DELAYED costs	See economic benefit for Violation No. 6.						
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

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	TOTAL PETROCHEMICALS USA, INC.	Classification: AVERAGE	Rating: 3.02
Regulated Entity:	RN100212109	TOTAL PETROCHEMICALS USA LA PORTE PLANT	Classification: AVERAGE	Site Rating: 4.17

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 28, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 28, 2003 to August 28, 2008

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

Name: Roshondra Lowe Phone: (713) 767-3553

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

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

Effective Date: 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 discove

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 falre 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 THC 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 THC 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.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/29/2003	(152894)
2	09/08/2003	(247910)
3	09/19/2003	(296385)
4	10/14/2003	(296390)
5	10/21/2003	(296387)
6	11/24/2003	(296388)
7	12/29/2003	(296389)
8	01/05/2004	(255495)
9	02/23/2004	(296371)
10	03/16/2004	(265480)
11	03/29/2004	(263338)
12	04/12/2004	(296375)
13	05/12/2004	(269428)
14	05/12/2004	(269433)
15	05/21/2004	(296378)
16	05/26/2004	(272485)
17	06/02/2004	(269938)
18	06/07/2004	(296382)
19	06/14/2004	(274068)
20	06/21/2004	(296380)
21	07/09/2004	(296376)
22	07/22/2004	(280434)
23	08/11/2004	(286884)
24	08/24/2004	(352560)
25	09/01/2004	(279062)
26	09/01/2004	(278961)
27	09/20/2004	(352561)
28	10/08/2004	(335547)
29	10/13/2004	(352562)
30	10/18/2004	(335599)
31	10/19/2004	(335923)
32	10/22/2004	(337805)
33	11/03/2004	(338415)
34	11/11/2004	(290843)
35	11/12/2004	(335862)
36	11/16/2004	(352563)
37	11/23/2004	(352564)
38	12/13/2004	(338130)
39	12/13/2004	(336657)
40	12/14/2004	(338399)

41	12/20/2004	(338479)
42	12/20/2004	(295860)
43	12/20/2004	(338218)
44	12/27/2004	(382038)
45	12/28/2004	(338056)
46	12/29/2004	(343604)
47	12/29/2004	(343603)
48	12/31/2004	(290574)
49	12/31/2004	(291344)
50	01/06/2005	(291924)
51	01/06/2005	(337400)
52	01/07/2005	(338040)
53	01/07/2005	(292094)
54	01/07/2005	(336686)
55	01/10/2005	(262199)
56	01/13/2005	(345723)
57	01/26/2005	(342525)
58	02/22/2005	(382035)
59	02/23/2005	(349878)
60	02/24/2005	(350282)
61	02/24/2005	(350275)
62	03/01/2005	(349965)
63	03/02/2005	(372226)
64	03/08/2005	(372848)
65	03/21/2005	(382036)
66	03/22/2005	(382037)
67	03/24/2005	(349942)
68	03/24/2005	(372227)
69	03/29/2005	(371421)
70	04/01/2005	(375065)
71	04/08/2005	(348307)
72	04/28/2005	(374278)
73	06/03/2005	(419886)
74	06/03/2005	(376795)
75	06/23/2005	(379202)
76	06/24/2005	(419887)
77	06/27/2005	(392492)
78	07/05/2005	(395955)
79	07/05/2005	(396243)
80	07/08/2005	(395152)
81	07/08/2005	(395145)
82	07/08/2005	(395147)
83	07/12/2005	(398015)
84	08/10/2005	(404200)
85	08/19/2005	(441002)
86	08/23/2005	(404907)
87	08/25/2005	(405920)
88	09/12/2005	(441005)
89	09/19/2005	(441003)
90	10/21/2005	(441004)
91	11/03/2005	(418739)
92	11/21/2005	(435975)
93	11/28/2005	(468737)
94	01/24/2006	(468738)
95	01/24/2006	(468739)
96	02/14/2006	(468736)
97	02/15/2006	(453303)
98	02/21/2006	(455020)
99	02/23/2006	(455888)
100	02/25/2006	(456928)
101	02/27/2006	(456559)
102	02/28/2006	(457140)
103	02/28/2006	(457170)
104	02/28/2006	(457150)
105	03/20/2006	(498411)
106	04/24/2006	(463428)
107	04/25/2006	(458264)

108	04/27/2006	(456175)
109	05/01/2006	(498412)
110	05/16/2006	(463577)
111	05/16/2006	(463907)
112	05/16/2006	(465691)
113	05/17/2006	(465592)
114	05/26/2006	(467560)
115	05/30/2006	(498413)
116	05/31/2006	(480475)
117	05/31/2006	(480470)
118	06/07/2006	(498416)
119	06/20/2006	(498414)
120	06/22/2006	(482925)
121	06/22/2006	(482832)
122	06/23/2006	(483058)
123	06/29/2006	(481055)
124	06/29/2006	(484017)
125	07/12/2006	(484022)
126	07/13/2006	(498415)
127	07/14/2006	(484429)
128	07/26/2006	(487037)
129	08/03/2006	(487671)
130	08/03/2006	(488357)
131	08/04/2006	(345748)
132	08/17/2006	(484538)
133	08/21/2006	(520418)
134	08/21/2006	(520420)
135	09/05/2006	(497455)
136	09/05/2006	(509499)
137	09/07/2006	(510865)
138	09/08/2006	(489217)
139	09/22/2006	(520419)
140	10/06/2006	(530970)
141	10/16/2006	(511833)
142	10/20/2006	(575734)
143	11/06/2006	(516491)
144	11/20/2006	(517197)
145	11/21/2006	(575735)
146	11/21/2006	(516694)
147	02/05/2007	(534573)
148	02/12/2007	(575728)
149	02/15/2007	(539452)
150	03/09/2007	(539872)
151	03/13/2007	(542326)
152	03/19/2007	(536804)
153	03/22/2007	(542671)
154	03/22/2007	(542675)
155	03/22/2007	(575729)
156	04/04/2007	(575733)
157	04/10/2007	(543717)
158	04/12/2007	(540389)
159	04/13/2007	(575730)
160	04/23/2007	(556287)
161	04/30/2007	(542574)
162	05/08/2007	(559591)
163	05/14/2007	(556174)
164	05/16/2007	(555746)
165	05/16/2007	(555751)
166	05/16/2007	(575731)
167	05/25/2007	(536112)
168	05/30/2007	(556956)
169	05/31/2007	(559123)
170	05/31/2007	(559121)
171	06/08/2007	(562000)
172	06/08/2007	(555120)
173	06/15/2007	(555757)
174	06/18/2007	(561134)

175	06/19/2007	(562094)
176	06/20/2007	(561136)
177	06/21/2007	(560635)
178	06/21/2007	(560640)
179	06/22/2007	(575732)
180	06/25/2007	(560632)
181	06/27/2007	(561137)
182	07/05/2007	(560624)
183	07/18/2007	(565537)
184	07/24/2007	(561139)
185	07/30/2007	(565237)
186	08/13/2007	(566645)
187	08/20/2007	(607606)
188	08/29/2007	(565319)
189	09/11/2007	(569993)
190	09/21/2007	(607607)
191	09/26/2007	(570766)
192	10/17/2007	(594536)
193	10/18/2007	(594393)
194	10/23/2007	(619670)
195	10/23/2007	(619672)
196	11/12/2007	(619673)
197	11/12/2007	(599234)
198	11/19/2007	(572263)
199	11/20/2007	(597561)
200	11/26/2007	(619671)
201	11/30/2007	(600058)
202	12/07/2007	(600059)
203	12/11/2007	(597559)
204	12/17/2007	(609853)
205	01/28/2008	(570970)
206	01/30/2008	(613375)
207	02/15/2008	(612150)
208	02/21/2008	(672192)
209	03/10/2008	(616237)
210	03/10/2008	(616035)
211	03/24/2008	(690105)
212	03/31/2008	(610624)
213	04/14/2008	(690106)
214	05/09/2008	(640759)
215	05/16/2008	(690107)
216	05/16/2008	(690108)
217	05/30/2008	(640765)
218	06/04/2008	(654889)
219	06/05/2008	(671448)
220	06/11/2008	(671450)
221	06/11/2008	(671449)
222	06/18/2008	(682521)
223	06/30/2008	(682520)
224	06/30/2008	(681219)
225	07/02/2008	(683653)
226	07/10/2008	(683615)
227	07/18/2008	(685477)
228	07/22/2008	(687013)
229	07/25/2008	(686100)
230	08/01/2008	(687683)
231	08/13/2008	(688033)
232	08/13/2008	(686959)
233	08/19/2008	(685005)
234	08/19/2008	(686804)

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: Atofina Petrochemicals, Inc. 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)

Rqmt Prov: PA Permit No. 21538, Special Condition 6

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)

Rqmt Prov: PERMIT NSR Permit 21538, Special Condition 6

OP OP O-01293, Special Condition 11

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)

Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 4
OP OP O-01293, Special Condition 11

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)

Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 10
OP OP O-01293, Special Condition 11

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)

Rqmt Prov: PERMIT NSR Permit 18153, Special Condition 18D
OP OP O-01293, Special Condition 11

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 115.3552(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)

Rqmt Prov: PERMIT NSR Permit 2269C, Special Condition 19
OP OP Permit O-01293, Special Condition 11

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 1115.782(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)

Rqmt Prov: PERMIT TCEQ Air Permit #3908B, SC #1

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)
TWC Chapter 26 26.121(a)

Description: 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: 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)

Rqmt Prov: PA 21538, SC 13
OP O-1293, Special Conditions 1 & 11

Description: Failure ot maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor Combustor ES-976.

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

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

Self Report? NO Classification: Moderate

Citation: 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)

Rqmt Prov: OP 1293, SC 1
PA 21538, SC 5

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: 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: OP 1293, Special Condition 1
PA 2269C, SC1
Description: Exceeded permit limits at Monument I Pellet Handling System during December 2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PA 18153, SC No. 8E
PA 21538, SC No. 1E
PA 2269C, SC No. 11E
PA 3908B, SC No. 4E
OP O-01293, SC No. 11
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)
Rqmt Prov: OP O-01293, General Terms and Conditions
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)
Rqmt Prov: OP O-01293, General Terms and Conditions
Description: Failure ot 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)
Rqmt Prov: PERMIT Air Permit No. 3908B Special Condition 1
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)

Rqmt Prov: OP O-01293, Special Terms & Cond. No. 1(A)

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)

Rqmt Prov: OP O-01293, General Terms & Conditions

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)

Rqmt Prov: OP O-01293, Special T& C No. 1(F)(iii)

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)

Rqmt Prov: OP O-01293, Special T & C No. 1(F)(iii)

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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 3908B, Special Condition No. 2
OP O-01293, Special Terms & Cond. No. 11

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: 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)
Rqmt Prov: PERMIT 21538, Special Condition No. 12(A)
OP O-01293, Special Terms & Cond. No. 11
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)
Rqmt Prov: OP O-01293, Special T & C No. 1(F)(iii)
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)
Rqmt Prov: OP O-01293, Special T & C No, 1(F)(iii)
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: 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 21538, Special Condition No. 20(E)
OP O-01293, Special Terms & Cond. No, 11
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)
Rqmt Prov: PERMIT TCEQ Standard Permit No. 78962, GC #8
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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
TOTAL PETROCHEMICALS USA,	§	**TEXAS COMMISSION ON**
INC.	§	
RN100212109	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-1173-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical plant 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 notice of the violations alleged in Section II ("Allegations") on or about July 6, 15, and 30, 2008 and August 18 and 24, 2008.

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

6. An administrative penalty in the amount of Eighty-Three Thousand Four Hundred Twenty-Four Dollars ($83,424) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Sixty-Six Thousand Seven Hundred Forty Dollars ($66,740) of the administrative penalty and Sixteen Thousand Six Hundred Eighty-Four Dollars ($16,684) 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. On April 9, 2008, the Respondent changed procedures so that electrical contractor(s) would continue to install electrical equipment, conduit and pull wire, but would not be allowed to make any electrical terminal tie-ins or terminal connections and conducted 2-3 days of electrical refresher training concerning working around live electrical circuits and Plant operations (Incident No. 105910);

   b. On June 3, 2008, the Respondent dried the conduit line to ensure water had been removed and sealed the union, checked the conduit in area to make sure seals and connections were secure, cleaned and repaired the hand switch and low point drain and counseled operators regarding electrical equipment maintenance practices (Incident No. 108477);

   c. On April 4, 2008, the Respondent relieved excess pressure in process equipment to the Monument 2 Flare System. The K-5 seal was shipped out for repairs and returned to service; also, ensured a spare seal is on site at all times (Incident No. 105683);

   d. On May 8, 2008, operations personnel stopped the reaction and initiated action to stabilize upset conditions. The bypass valve which did not completely close was shipped out for service. The service company placed a larger actuator on the valve and it was immediately placed back into service (Incident No. 107406);

   e. On June 30, 2008, the Respondent trained operations personnel to ensure they redirect the vents to the thermal oxidizer immediately after an automatic shutdown (Incident No. 107962); and

   f. On April 29, 2008, the Respondent implemented an electronic system that is visible in each control room displaying the flare analyzer data with alarms when a regulatory limit is being approached; also, reviewed reporting criteria to ensure timely and accurate reporting with personnel (Incident No. 106126).

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, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b) and Standard Permit No. 78962, General Condition No. 8, as documented during an investigation conducted on June 18, 2008. Specifically, 1,111 pounds ("lbs") of carbon monoxide, 128 lbs of nitrogen oxides, 1,470 lbs of propylene, 17 lbs of propane and one lb of ethylene were released into the atmosphere due to the contractor rolling electrical wire onto a spool when the end of the wire recoiled and hit an electrical breaker switch resulting in the loss of electric power to Compressor K-5 causing a safety interlock to trip and shutdown Trains 5 & 6 in the Monument 2 Flare System. The emissions event occurred on April 6, 2008 and lasted five hours and 30 minutes (Incident No. 105910). Since the emissions event was avoidable by better operation practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b) and Standard Permit No. 78962, General Condition No. 8, as documented during an investigation conducted on June 18, 2008. Specifically, 3,959 lbs of carbon monoxide, 481 lbs of nitrogen oxides, 3,053 lbs of propylene, 112 lbs of propane and one lb of ethylene were released into the atmosphere due to a gas leak that affected the inboard and outboard seals of Compressor K-5 during standard quarterly leak detection and repair monitoring. The emissions event occurred on March 31, 2008 to April 4, 2008 and lasted 82 hours and 30 minutes (Incident No. 105683). Since the emissions event was avoidable by better maintenance practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b) and Standard Permit No. 78962, General Condition No. 8, as documented during an investigation conducted on June 27, 2008. Specifically, 788.92 lbs of propylene were released into the atmosphere due to the failure to prevent water from entering a loose conduit union above Train 7 Feed Pump, causing the pump to shutdown. The emissions event occurred on June 2 and 3, 2008 and lasted 26 hours and 30 minutes (Incident No. 108477). Since the emissions event was avoidable by better operation and maintenance practices, the Respondent failed meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b) and Standard Permit No. 78962, General Condition No. 8, as documented during an investigation conducted on July 18, 2008. Specifically, 678 lbs of carbon monoxide, 37 lbs of nitrogen oxides, 692 lbs of propylene and 25 lbs of propane were released into the atmosphere due to the failure to properly control cooling water flow to a polymerization reactor cooling jacket, resulting in insufficient reactor cooling and an emergency shutdown due to high reactor temperature. The emissions event occurred on May 6 and 7, 2008 and lasted 21 hours and five minutes (Incident No. 107406). Since the emissions event was avoidable by better equipment design of the temperature control system, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

5. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b) and Standard Permit No. 78962, General Condition No. 8, as documented during an investigation conducted on July 18, 2008. Specifically, 293 lbs of carbon monoxide, 15 lbs of nitrogen oxides, 145 lbs of propylene and 11 lbs of propane were released into the atmosphere due to the failure to redirect vents from the flare header to the thermal oxidizer (ES-215) after it was shutdown during a maintenance activity. The emissions event occurred on May 19, 2008 and lasted 12 hours (Incident No. 107962). Since the emissions event was avoidable by better operation practices, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

6. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.615(2), TEX. HEALTH & SAFETY CODE § 382.085(b) and Standard Permit No. 78962, General Condition No. 8, as documented during an investigation conducted on July 2, 2008. Specifically, 3,585 lbs of carbon monoxide, 406 lbs of nitrogen oxides, 2,818 lbs of propylene, and 108 lbs of propane were released during an air startup activity when the actual propylene emissions exceeded the initial estimate of propylene emissions by more than the reportable quantity and initial notification was not submitted within 24 hours of discovery. The emissions event occurred on April 16, 2008 to May 1, 2008 and lasted 347 hours and 25 minutes (Incident No. 106126). Since the emissions event was not properly reported, the Respondent failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

7. Failed to report the emissions event that occurred on April 16, 2008 to May 1, 2008 within 24 hours of discovery (Incident No. 106126), 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 July 2, 2008.

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. 2008-1173-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

John Sadlier
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

1-15-09
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.