

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-0013-AIR-E **TCEQ ID:** RN100212109 **CASE NO.:** 36976  
**RESPONDENT NAME:** TOTAL PETROCHEMICALS USA, INC.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> TOTAL PETROCHEMICALS USA La Porte Plant, 1818 South Battleground Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2008-1173-AIR-E, 2008-1773-AIR-E, and 2009-0220-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 15, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Ron Copeland, Environmental Manager, TOTAL PETROCHEMICALS USA, INC., 1818 South Battleground Road, La Porte, Texas 77571-9803  Mr. Darrell Bailey, Plant Manager, TOTAL PETROCHEMICALS USA, INC., 1818 South Battleground Road, La Porte, Texas 77571-9803  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 5, 2008 and December 4, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 10, 2008 and January 5, 2009 (NOE)</p> <p><b>Background Facts:</b> These were record review investigations.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased. Specifically, 284.64 pounds ("lbs") of carbon monoxide ("CO"), 8.11 lbs of the highly reactive volatile organic compound ("HRVOC") ethylene, 31.61 lbs of propane, and 299.12 lbs of the HRVOC propylene were released from the Monument 2 Thermal Oxidizer and Flare, emission point number ("EPN") ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 110973) that occurred on July 13, 2008 and lasted 15 hours and 30 minutes. Since this emissions event was determined to be avoidable due to operator error, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78962, Maximum Emission Rate Table and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter. Specifically, 1,835.44 lbs of CO, 103.37 lbs of the HRVOC ethylene, 233 lbs of nitrogen oxides, 597.19 lbs of</p>	<p><b>Total Assessed:</b> \$20,000</p> <p><b>Total Deferred:</b> \$4,000  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$16,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent emissions events due to the same causes as Incident Nos. 110973 and 111148; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

<p>propane, and 5,864.62 lbs of the HRVOC propylene were released from the Monument 2 Thermal Oxidizer and Flare, EPN ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 111148) that occurred on July 15, 2008 and lasted 15 hours and 30 minutes with 100% opacity. Since this emissions event was determined to be avoidable due to operator error, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78962, Maximum Emission Rate Table and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): AIR - HG0036S





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Jan-2009	<b>Screening</b>	26-Jan-2009	<b>EPA Due</b>	6-Sep-2009
	<b>PCW</b>	23-Jan-2009				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36976	<b>No. of Violations</b>	2
<b>Docket No.</b>	2009-0013-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Trina Grieco
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**  
 Penalty enhancement due to six NOV's issued for same or similar violations, 29 NOV's issued for dissimilar violations, 13 agreed orders issued with a denial of liability, and 2 agreed orders issued without a denial of liability. Penalty reduction due to one Notice of Audit letter submitted.

**Culpability**   Enhancement **Subtotal 4**

**Notes**  
 The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$170	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,000	

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**  
 Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 26-Jan-2009

Docket No. 2009-0013-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 36976

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Trina Grieco

**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	29	58%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	13	260%
	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) 397%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to six NOVs issued for same or similar violations, 29 NOVs issued for dissimilar violations, 13 agreed orders issued with a denial of liability, and 2 agreed orders issued without a denial of liability. Penalty reduction due to one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 397%

<b>Screening Date</b> 26-Jan-2009	<b>Docket No.</b> 2009-0013-AIR-E	<b>PCW</b>		
<b>Respondent</b> TOTAL PETROCHEMICALS USA, INC.		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36976		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100212109				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Trina Grieco				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.615(2), Standard Permit No. 78962, Maximum Emission Rate Table and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased. Specifically, 284.64 pounds ("lbs") of carbon monoxide ("CO"), 8.11 lbs of the highly reactive volatile organic compound ("HRVOC") ethylene, 31.61 lbs of propane, and 299.12 lbs of the HRVOC propylene were released from the Monument 2 Thermal Oxidizer and Flare, emission point number ("EPN") ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 110973) that occurred on July 13, 2008 and lasted 15 hours and 30 minutes. Since this emissions event was determined to be avoidable due to operator error, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.			
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of contaminants that did not exceed protective levels as a result of the violation.			
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>		
		<input type="text" value="\$2,500"/>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	One quarterly event is recommended.			
<b>Good Faith Efforts to Comply</b>				
	<b>0.0% Reduction</b>	<input type="text" value="\$0"/>		
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>		
<b>Ordinary</b>	<input type="text"/>	<input type="text"/>		
<b>N/A</b>	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>	<input type="text" value="\$2,500"/>		
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	<input type="text" value="\$57"/>		<b>Violation Final Penalty Total</b>	
		<input type="text" value="\$12,425"/>		
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			
	<input type="text" value="\$10,000"/>			

## Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.  
**Case ID No.** 36976  
**Reg. Ent. Reference No.** RN100212109  
**Media Air**  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	13-Jul-2008	1-Sep-2009	1.14	\$57	n/a	\$57
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 expense to provide operator training on adjusting the Train 7 Reactor temperature interlock when the reactor temperature is increased. The date required is the date of the release. The final date is the date corrective actions are projected to be 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**

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$57
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<b>Screening Date</b> 26-Jan-2009	<b>Docket No.</b> 2009-0013-AIR-E	<b>PCW</b>		
<b>Respondent</b> TOTAL PETROCHEMICALS USA, INC.	Policy Revision 2 (September 2002)			
<b>Case ID No.</b> 36976	PCW Revision October 30, 2008			
<b>Reg. Ent. Reference No.</b> RN100212109				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Trina Grieco				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.615(2), Standard Permit No. 78962, Maximum Emission Rate Table and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter. Specifically, 1,835.44 lbs of CO, 103.37 lbs of the HRVOC ethylene, 233 lbs of nitrogen oxides, 597.19 lbs of propane, and 5,864.62 lbs of the HRVOC propylene were released from the Monument 2 Thermal Oxidizer and Flare, EPN ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 111148) that occurred on July 15, 2008 and lasted 15 hours and 30 minutes with 100% opacity. Since this emissions event was determined to be avoidable due to operator error, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.			
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="50%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
Matrix Notes	Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of contaminants, including 2.98 tons of HRVOCs, that did not exceed protective levels as a result of the violation.			
<b>Adjustment</b>			<input type="text" value="\$5,000"/>	
			<input type="text" value="\$5,000"/>	
<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>
mark only one with an x	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
			<b>Violation Base Penalty</b>	<input type="text" value="\$5,000"/>
One monthly event is recommended.				
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$0"/>	
			0.0% Reduction	
			Before NOV    NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>			<input type="text" value="\$5,000"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
Estimated EB Amount	<input type="text" value="\$113"/>		Violation Final Penalty Total	<input type="text" value="\$24,850"/>
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$10,000"/>	

## Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.  
**Case ID No.** 36976  
**Reg. Ent. Reference No.** RN100212109  
**Media** Air  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	15-Jul-2008	1-Sep-2009	1.13	\$113	n/a	\$113

**Notes for DELAYED costs** Estimated cost to implement measures designed to prevent the build up of solids in the Train 7 Cyclo-filter. The date required is the date of the event. The final date is the date corrective actions are projected to be 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**

<b>Approx. Cost of Compliance</b>	\$2,000	<b>TOTAL</b>	\$113
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# Compliance History Report

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

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

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

January 02, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

January 02, 2004 to January 02, 2009

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

Name: Trina Grieco

Phone: (210) 403-4006

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

Effective Date: 02/10/2005

ADMINORDER 2003-0089-AIR-E

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC1 PERMIT

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC3 PERMIT

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

Classification: Minor

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

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

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Rqmt Prov: SC4 PERMIT

Description: Failed to make the first attempt to repair components with tag numbers 05068.2, 00925, 01112, 00012.1, 00076.1, 00305, 00446, 00669.1, 02637.2, 02707, 02715.1 within 5 calendar days after the leak was discovered and to complete the repair for the component with tag number 00008 within 15

days after the leak was discovered

Classification: Minor

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

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

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

Rqmt Prov: SC4 PERMIT

Description: Failed to submit the semiannual reports.

Classification: Minor

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

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

Effective Date: 09/30/2005

ADMINORDER 2005-0146-AIR-E

Classification: Moderate

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

Rqmt Prov: 21538, S.C. 6 & 12.C PERMIT

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

Classification: Moderate

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

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

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

Effective Date: 09/30/2005

ADMINORDER 2005-0171-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 21538, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/05/2006

ADMINORDER 2005-0540-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 2 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 03/06/2006

ADMINORDER 2004-2037-IWD-E

Classification: Moderate

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

Rqmt Prov: Permit Condition 2.g. OP

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

Classification: Moderate

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

Rqmt Prov: Effluent Limitations OP

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

Effective Date: 03/19/2007

ADMINORDER 2006-1040-AIR-E

Classification: Moderate

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

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

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

Effective Date: 04/13/2007

ADMINORDER 2006-1656-AIR-E

Classification: Moderate

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

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

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

Classification: Minor

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

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

Effective Date: 08/10/2007

ADMINORDER 2006-2092-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2008

ADMINORDER 2007-1139-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 3908B PERMIT

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

Effective Date: 04/03/2008

ADMINORDER 2007-1593-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failure to prevent an unauthorized emissions event.

Effective Date: 04/28/2008

ADMINORDER 2007-1425-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

maintenance data on control valves and their auxiliary equipment.

Effective Date: 05/22/2008

ADMINORDER 2007-1879-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 07/21/2008

ADMINORDER 2008-0162-AIR-E

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C 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.

Effective Date: 08/29/2008

ADMINORDER 2008-0414-AIR-E

Classification: Moderate

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

Rqmt Prov: MERT PERMIT

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

Effective Date: 12/04/2008

ADMINORDER 2008-0944-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Air Permit No. 78962 PERMIT

Description: An improper circuit breaker installation procedure resulted in the loss of power to Trains 5 and 6, and in 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	01/05/2004	(255495)
2	02/23/2004	(296371)
3	03/16/2004	(265480)
4	03/29/2004	(263338)
5	04/12/2004	(296375)
6	05/12/2004	(269428)
7	05/12/2004	(269433)
8	05/21/2004	(296378)
9	05/26/2004	(272485)
10	06/02/2004	(269938)
11	06/07/2004	(296382)
12	06/14/2004	(274068)
13	06/21/2004	(296380)
14	07/09/2004	(296376)
15	07/22/2004	(280434)
16	08/11/2004	(286884)
17	08/24/2004	(352560)
18	09/01/2004	(278961)
19	09/01/2004	(279062)
20	09/20/2004	(352561)
21	10/08/2004	(335547)
22	10/13/2004	(352562)
23	10/18/2004	(335599)
24	10/19/2004	(335923)
25	10/22/2004	(337805)
26	11/03/2004	(338415)
27	11/11/2004	(290843)
28	11/12/2004	(335862)
29	11/16/2004	(352563)
30	11/23/2004	(352564)
31	12/13/2004	(336657)
32	12/13/2004	(338130)
33	12/14/2004	(338399)
34	12/20/2004	(295860)
35	12/20/2004	(338218)
36	12/20/2004	(338479)
37	12/27/2004	(382038)
38	12/28/2004	(338056)
39	12/29/2004	(343603)
40	12/29/2004	(343604)
41	12/31/2004	(290574)

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

101	04/27/2006	(456175)
102	05/01/2006	(498412)
103	05/16/2006	(463577)
104	05/16/2006	(463907)
105	05/16/2006	(465691)
106	05/17/2006	(465592)
107	05/26/2006	(467560)
108	05/30/2006	(498413)
109	05/31/2006	(480470)
110	05/31/2006	(480475)
111	06/07/2006	(498416)
112	06/20/2006	(498414)
113	06/22/2006	(482832)
114	06/22/2006	(482925)
115	06/23/2006	(483058)
116	06/29/2006	(481055)
117	06/29/2006	(484017)
118	07/12/2006	(484022)
119	07/13/2006	(498415)
120	07/14/2006	(484429)
121	07/26/2006	(487037)
122	08/03/2006	(487671)
123	08/03/2006	(488357)
124	08/04/2006	(345748)
125	08/17/2006	(484538)
126	08/21/2006	(520418)
127	08/21/2006	(520420)
128	09/05/2006	(497455)
129	09/05/2006	(509499)
130	09/07/2006	(510865)
131	09/08/2006	(489217)
132	09/22/2006	(520419)
133	10/06/2006	(530970)
134	10/16/2006	(511833)
135	10/20/2006	(575734)
136	11/06/2006	(516491)
137	11/20/2006	(517197)
138	11/21/2006	(516694)
139	11/21/2006	(575735)
140	02/05/2007	(534573)
141	02/12/2007	(575728)
142	02/15/2007	(539452)
143	03/09/2007	(539872)
144	03/13/2007	(542326)
145	03/19/2007	(536804)
146	03/22/2007	(542671)
147	03/22/2007	(542675)
148	03/22/2007	(575729)
149	04/04/2007	(575733)
150	04/10/2007	(543717)
151	04/12/2007	(540389)
152	04/13/2007	(575730)
153	04/23/2007	(556287)
154	04/30/2007	(542574)
155	05/08/2007	(559591)
156	05/14/2007	(556174)
157	05/16/2007	(555746)
158	05/16/2007	(555751)
159	05/16/2007	(575731)

160	05/25/2007	(536112)
161	05/30/2007	(556956)
162	05/31/2007	(559121)
163	05/31/2007	(559123)
164	06/08/2007	(555120)
165	06/08/2007	(562000)
166	06/15/2007	(555757)
167	06/18/2007	(561134)
168	06/19/2007	(562094)
169	06/20/2007	(561136)
170	06/21/2007	(560635)
171	06/21/2007	(560640)
172	06/22/2007	(575732)
173	06/25/2007	(560632)
174	06/27/2007	(561137)
175	07/05/2007	(560624)
176	07/18/2007	(565537)
177	07/24/2007	(561139)
178	07/30/2007	(565237)
179	08/13/2007	(566645)
180	08/20/2007	(607606)
181	08/29/2007	(565319)
182	09/11/2007	(569993)
183	09/21/2007	(607607)
184	09/26/2007	(570766)
185	10/17/2007	(594536)
186	10/18/2007	(594393)
187	10/23/2007	(619670)
188	10/23/2007	(619672)
189	11/12/2007	(599234)
190	11/12/2007	(619673)
191	11/19/2007	(572263)
192	11/20/2007	(597561)
193	11/26/2007	(619671)
194	11/30/2007	(600058)
195	12/07/2007	(600059)
196	12/11/2007	(597559)
197	12/17/2007	(609853)
198	01/28/2008	(570970)
199	01/30/2008	(613375)
200	02/15/2008	(612150)
201	02/21/2008	(672192)
202	03/10/2008	(616035)
203	03/10/2008	(616237)
204	03/24/2008	(690105)
205	03/31/2008	(610624)
206	04/14/2008	(690106)
207	05/09/2008	(640759)
208	05/16/2008	(690107)
209	05/16/2008	(690108)
210	05/30/2008	(640765)
211	06/04/2008	(654889)
212	06/05/2008	(671448)
213	06/11/2008	(671449)
214	06/11/2008	(671450)
215	06/11/2008	(710892)
216	06/18/2008	(682521)
217	06/30/2008	(681219)
218	06/30/2008	(682520)

219 07/02/2008 (683653)  
 220 07/10/2008 (683615)  
 221 07/18/2008 (685477)  
 222 07/21/2008 (710895)  
 223 07/22/2008 (687013)  
 224 07/25/2008 (686100)  
 225 08/01/2008 (687683)  
 226 08/13/2008 (686959)  
 227 08/13/2008 (688033)  
 228 08/19/2008 (685005)  
 229 08/19/2008 (686804)  
 230 08/25/2008 (710893)  
 231 09/24/2008 (710894)  
 232 10/03/2008 (704204)  
 233 10/30/2008 (688227)  
 234 10/31/2008 (699758)  
 235 11/03/2008 (699774)  
 236 11/03/2008 (699972)  
 237 11/21/2008 (704275)  
 238 12/09/2008 (704274)

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

Date: 06/30/2004 (296382) CN600582399  
 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) CN600582399  
 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) CN600582399  
 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) CN600582399  
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) CN600582399  
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) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 21538, Special Condition 6 PERMIT  
OP O-01293, Special Condition 11 OP  
Description: Exceeded their MAERT limit because the temperature in the Enclosed Vapor  
Combustor was not maintain in order to achieve the destruction efficiency for

VOC.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 18153, Special Condition 4 PERMIT  
OP O-01293, Special Condition 11 OP  
Description: Exceeded their VOC emissions limits in Train 7.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 18153, Special Condition 10 PERMIT  
OP O-01293, Special Condition 11 OP  
Description: Failed to measure the residual VOC concentration in Train 7 using an approved  
TCEQ test method.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.146(4)  
NSR Permit 18153, Special Condition 18D PERMIT  
OP O-01293, Special Condition 11 OP

Description: Failed to measure the residual VOC concentration in Trains 8 & 9 using an approved TCEQ test method.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.3552(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)  
NSR Permit 2269C, Special Condition 19 PERMIT  
OP Permit O-01293, Special Condition 11 OP  
Description: Exceeded their MAERT emissions limit for the cooling tower, which is a violation of 30 TAC 116.115(b)(2)(F) and NSR 2269C S.C. 19.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
Description: Failed to preform a first attempt at repair for thirteen components, which is a violation of 30 TAC 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) CN600582399  
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) CN600582399  
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) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/16/2006 (511833)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Air Permit #3908B, SC #1 PERMIT  
Description: TOTAL failed to control the temperature on the Monument 2 reboiler which resulted in unauthorized emissions.

Date: 10/31/2006 (575735) CN600582399  
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) CN600582399

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) CN600582399

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) CN600582399

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) CN600582399

Self Report? NO Classification: Moderate  
Citation: 21538, SC 13 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.146(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-1293, Special Conditions 1 & 11 OP

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

Self Report? NO Classification: Moderate  
Citation: 1293, Special Condition OP  
2269C, SC 2 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Self Report? NO Classification: Moderate  
Citation: 1293, SC 1 OP  
21538, SC 5 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart DDD 60.562-1(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Self Report? NO Classification: Moderate  
Citation: 1293, Special Condition 1 OP  
2269C, SC1 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Self Report? NO Classification: Moderate  
Citation: 18153, SC No. 8E PA

21538, SC No. 1E PA  
2269C, SC No. 11E PA  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3908B, SC No. 4E PA  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01293, SC No. 11 OP

Description: Failure to ensure that each open-ended line is equipped with a cap or plug.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
O-01293, General Terms and Conditions OP

Description: Failure to submit the annual compliance certification to the TCEQ no later than 30 days after the end of the certification period.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
O-01293, General Terms and Conditions OP

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

Date: 05/31/2007 (575732) CN600582399  
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) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/24/2007 (561139)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Air Permit No. 3908B Special Condition 1 PERMIT  
Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of the emissions event.

Date: 07/31/2007 (607606) CN600582399  
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) CN600582399  
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)

CN600582399

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)

CN600582399

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)

CN600582399

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)

CN600582399

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)

CN600582399

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

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

Description: Failure to record the NOx concentration in the Waste Heat Boiler's (M2A-BO-3) stack.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)

5C THSC Chapter 382 382.085(b)

O-01293, General Terms & Conditions OP

Description: Failure to report all deviations in semi-annual deviation and annual compliance certification reports.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

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

Description: Failure to perform the required sampling after the out-of-order periods for the Train 8 Cooling Tower and Monument 1 Cooling Tower online HRVOC monitors exceeded 24 hours.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

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

Description: Failure of the Monument 1 and Train 8 Cooling Tower monitoring systems to continuously operate at least 95% of the annual cooling tower operating time.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

3908B, Special Condition No. 2 PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special Terms & Cond. No. 11 OP  
Description: Failure to operate the Monument 2 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO Classification: Moderate

Citation: 21538, Special Condition No. 12(A) PERMIT  
30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)

O-01293, Special Terms & Cond. No. 11 OP  
Description: Failure to operate the Train 8 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special T & C No. 1(F)(iii) OP

Description: Failure to commence taking daily samples within ten hours of the Train 8 Flare on-line analyzer malfunction after exceeding eight hours of downtime.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)  
30 TAC Chapter 115, SubChapter H 115.764(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special T & C No. 1(F)(iii) OP

Description: Failure to operate a system to continuously determine the total strippable volatile organic compound (VOC) concentration at the Monument 1, Trains 1, 5/6, 7, 8, and 9 cooling towers and failure to determine the speciated strippable highly-reactive volatile organic compound (HRVOC) concentration.

Self Report? NO Classification: Minor

Citation: 21538, Special Condition No. 20(E) PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special Terms & Cond. No. 11 OP

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

Date: 05/31/2008 (710892) CN600582399

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2008 (690108) CN600582399

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: 07/31/2008 (710893) CN600582399

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: 08/13/2008 (688033)

Self Report? NO Classification: Moderate

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

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

Date: 08/31/2008 (710894)

CN600582399

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

F. Environmental audits.

04/16/2004

(274485)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2009-0013-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 manufacturing plant at 1818 South Battleground Road, La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about December 15, 2008 and January 10, 2009.
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 Twenty Thousand Dollars (\$20,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent

has paid Sixteen Thousand Dollars (\$16,000) of the administrative penalty and Four Thousand Dollars (\$4,000) 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 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.
10. 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.
11. 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 caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78962, Maximum Emission Rate Table and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 5, 2008. Specifically, 284.64 pounds ("lbs") of carbon monoxide ("CO"), 8.11 lbs of the highly reactive volatile organic compound ("HRVOC") ethylene, 31.61 lbs of propane, and 299.12 lbs of the HRVOC propylene were released from the Monument 2 Thermal Oxidizer and Flare, emission point number ("EPN") ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 110973) that occurred on July 13, 2008 and lasted 15 hours and 30 minutes. Since this emissions event was determined to be avoidable due to operator error, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
2. Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78962, Maximum Emission Rate Table and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 4, 2008.

Specifically, 1,835.44 lbs of CO, 103.37 lbs of the HRVOC ethylene, 233 lbs of nitrogen oxides, 597.19 lbs of propane, and 5,864.62 lbs of the HRVOC propylene were released from the Monument 2 Thermal Oxidizer and Flare, EPN ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 111148) that occurred on July 15, 2008 and lasted 15 hours and 30 minutes with 100% opacity. Since this emissions event was determined to be avoidable due to operator error, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

### 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. 2009-0013-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent emissions events due to the same causes as Incident Nos. 110973 and 111148; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

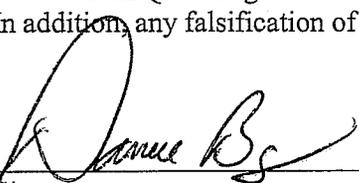
5/12/2009  
\_\_\_\_\_  
Date

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

3/31/09  
\_\_\_\_\_  
Date

Darrell 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.