EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0172-AIR-E TCEQ ID: RN102457520
CASE NO.: 15636, 17216, 21782, 24657, 25170 27037, 29445, 27682, 28206, 28330
RESPONDENT NAME: TOTAL PETROCHEMICALS, INC.

ORDER TYPE:		
__1660 AGREED ORDER	_X_ 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: 7600 32nd Street, Port Arthur, Jefferson, County

TYPE OF OPERATION: Petroleum Refinery

SMALL BUSINESS: ____ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location (2006-0561-AIR-E; 2008-0413-AIR-E; 2009-0131-AIR-E; 2009-0491-AIR-E).

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

COMMENTS RECEIVED: The *Texas Register* comment period expired July 7, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jeffrey Huhn, Litigation Division, MC 175, (512) 239-5111
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SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Craig Fleming, Air Enforcement Section, MC 149, (512) 239-5806
TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 899-8799
Respondent:. Total Petrochemicals USA, Inc. 1021 Main Street, Suite 1150, Houston, Texas 77002-6508
Respondent's Attorney: Mr. David Savage, Baker Botts L.L.P., 1500 San Jacinto Boulevard, Austin, Texas 78701-4078

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up X Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigation Relating to this Case:** December 10, 2003; January 7, February 18, March 29 - 31, April 7 - 13, 20, 22, 27, 29, and 30, May 1 - 2, and 14, July 1 and 27, October 13 – 27 and October 20 - November 19, and December 9, 13, 23, 27, and 31, 2004; January 4 and 7, February 3 - 7, April 13 and 22, August 8 and 15, September 1, and December 30, 2005; January 4, 12, and 27, and November 7, 2006; January 22 – February 1, April 26 and 27 – May 8, and June 14, 2007. **Dates of NOEs Relating to this Case:** March 5, April 28, May 25, June 17, July 6, 12, and 30 and August 17, 2004; August 8 and 15, and December 12, 2005; January 24, February 7, and March 19, 2007. **Background Facts:** This case was referred to the litigation division May 3, 2007. The attorney for the ED, Respondent's attorney, and other TCEQ representatives held numerous settlement conferences, and a signed Agreed Order was received May 12, 2008. **Current Compliance Status:** The Respondent has not yet submitted certification of compliance. **AIR:** 1. Failed to properly submit a final record for 24 emissions events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: ten which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004 [30 TEX. ADMIN. CODE § 101.201(b)(4), (b)(7), (b)(8), and (b)(10) and TEX. HEALTH & SAFETY CODE §382.085(b)].	**Initial Calculated Penalty:** $762,336 **Total Assessed:** $749,910 **Total Deferred:** $374,955 __ Expedited Order __ Financial Inability to Pay X SEP Conditional Offset **Total Paid/Due to General Revenue:** The Respondent paid $374,955 of the administrative penalty. The remainder of the assessed penalty shall be offset by the completion of a Supplemental Environmental Project (SEP). **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 **Findings Order Justification:** Three reported enforcement actions over the prior five year period for the same violation. **Explanation for Penalty Reduction:** The penalty was reduced $12,426 in consideration of the risk of litigation.	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent implemented the following corrective measures: 1. With respect to the November 8, 2004, event, the Respondent eliminated the excess emissions by draining the contents of Tank 476 and refloating its roof; 2. With respect to the May 3, 2005, event, the Respondent corrected the cause of the event by repairing the faulty level controller on the C-200 Compressor that caused the overload in the FGRCS unit; 3. With Respect to the heat exchanger leak from May 17, 2005, to December 15, 2005, at the FPM Cooling Tower at Area 1, the Respondent corrected the cause of the event by repairing the leaking heat exchanger 02E-21A/B XTR and ACU-1 4. With respect to VOC emissions from the 805 Reformer Cooling Tower, the Respondent repaired the leak, increased its addition of water treatment chemicals to reduce corrosion, and increased the frequency of its monitoring activities; 5. With respect to the August 19, 2005, and October 8, 2003, events, the Respondent eliminated the excess emissions by removing the off-specification material from Tank 532 and refloating the roof and repairing the position switch on the SCOT feed on the SWS-1; 6. With respect to the November 29, December 10, and December 29, 2006, events, the Respondent corrected the causes of these events by repairing the faulty level controller on V-101 in the SCOT unit, repairing components on the faulty pressure controller on the Debutanizer Tower in the Reformer, and purging the reactor during start-up of the TDP; and 7. With respect to the July 17, 2006, event, the Respondent corrected the cause of the event by repairing the faulty pressure controller on the Debutanizer Tower in the FCCU.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
2. Failed to prevent unauthorized emission releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO_2, H_2S, VOCs, CO, and NOx from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE. Since the emissions events were avoidable or not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, Special Condition (SC) 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3. Failed to prevent unauthorized emission releases. Beginning January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO_2 in excess of limits, intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222. [TCEQ Air Permit No. 18936/PSD-TX-762M2, General Condition (GC) 8, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), formerly (G), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4. Failed to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO_2 in excess of the limit of 0.34 lbs/hr. Since the emissions events were not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 18936/PSD-TX-762M2, MAERT, 30 TEX. ADMIN. CODE §§ 101.20(3) 116.115(b)(2)(F), formerly (G), and TEX HEALTH & SAFETY CODE §§ 382.085(b)]. 5. Failed to submit a final record no later than two weeks after the end of the emissions event or scheduled activity causing the emission [30 TEX. ADMIN. CODE §§ 101.201(b)(7), (b)(8), and (c) and 101.211(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		**Ordering Provisions:** The Respondent shall undertake the following technical requirements: 1. Within 30 days: (a) Submit to the Beaumont Regional Office written versions of revised final reports for Incident Nos. 38844, 38845, 38846, 38847, 38848, 39419, 39420, 39529, 39759, 39788, 40421, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, and 43572 that include the required information identified in the Findings of Fact as having been omitted from those reports; (b) Submit a properly certified semiannual deviation report for the period of May 14, 2005, to November 14, 2005, which certification shall relate back to the date the report originally was submitted and not represent a current certification; (c) Submit the corrected deviation report for November 14, 2005, to May 14, 2006, which report shall relate back to the date the original report was submitted and not represent a current certification; (d) Submit the proper Annual Compliance Certification for the period of May 14, 2005, to May 14, 2006, which certification shall relate back to the date the original certification was submitted and not represent a current certificate; (e) Provide supplemental training to personnel responsible for reporting emissions events designed to ensure proper notification of future emissions events to the TCEQ Beaumont Regional Office within 24 hrs. of the emissions event; (f) Provide supplemental training to personnel responsible for monitoring cooling water designed to ensure that results of cooling tower monitoring are timely reviewed to determine whether leaks are present; and (g) Submit written certification to demonstrate compliance with Ordering Provision no. 1a.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
6. Failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO_2 and H_2S. Since the emissions events were avoidable or not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F)(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		Within 45 days: (a) Provide supplemental training for all plant personnel responsible for the operation of the Condensate Splitter Heater; and (b) Submit written certification to demonstrate compliance with Ordering Provisions 1.e. and f.
7. Failed to properly operate EPN 53SOUTHFLR [TCEQ Air Permit No. 54026, SC 4 and 5, 30 TEX. ADMIN. CODE §§ 101.20, 111.111(a)(4), 113.100, 113.34, 116.115(c), 40 Code of Federal Regulations (CFR) §§ 60.18(c) and 63.11(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
8. Failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO_2 and 469.74 lbs of H_2S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO_2 and 672.32 lbs of H_2S were emitted above limits. Since the emissions events were avoidable or not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 9195A/PSD-TX-TX453M6, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
9. Failed to completely speciate the VOC emissions in the final reports for emissions events [30 TEX. ADMIN. CODE § 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
10. Failed to electronically submit the final report for the emissions event that began on November 14, 2004, and failed to notify the TCEQ within 24 hours of the April 22, 2005 event [30 TEX. ADMIN. CODE § 101.201(a) and (g) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
11. Failed to prevent unauthorized emissions above permitted limits. On October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr period. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TCEQ Air Permit No. 49743, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
12. Failed to prevent unauthorized emissions above permitted limits during two emissions events. Beginning September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approximately 254 lbs of H_2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approximately 86 lbs of H_2S, 1,574 lbs of SO_2, and 7,964 lbs of VOC in excess of permitted limits during a 20.27 hr period. Since the emissions events were not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
13. Failed to prevent unauthorized emissions above permitted limits. Beginning April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 18936/PSD-TX-762M2, GC 8, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
14. Failed to maintain the SO_2 and NO_X concentrations below the maximum allowable limits. FCCU flue gas vent stack's CEMS documented an average hourly SO_2 concentration greater than 50 ppm by volume from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005 [TCEQ Air Permit No. 18936/PSD-TX-762M2, SC 1A, and 8, 30 TEX. ADMIN. CODE §§ 101.20(1) and (3) and 116.115(c), 40 CFR § 60.104(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
15. Failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations – SSM activities, on August 16, 2003, and September 21, 2003. Since the first emissions event was inaccurately reported and avoidable and the second event was reported late and avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 9193A/PSD-TX-453M6, MAERT, 30 TEX. ADMIN. CODE §§ 101.20(1) and (3) and 116.115(c), 40 CFR § 60.104(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
16. Failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emission to a rate of zero during non-emergency operations – SSM activities, on February 8, 2003. Since the emissions event was reported late, the Respondent failed to meet the demonstrations for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 9193A/PSD-TX-453M6, MAERT, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]		
17. Failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8-22, 2003, with respect to EPN 307 and the reportable emission events of September 21-22, 2003, with respect to EPNs 307 and 142 [30 TEX. ADMIN. CODE § 101.201 (a)(1)(B) and (a)(2)(D) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
18. Failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations of an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 18936/PSD-TX-762M2, MAERT (June 18, 2003), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b).		
19. Failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 – 17, 2003, on two occasions with respect to EPN 307 [30 TEX. ADMIN. CODE § 101.201(a)(2)(D) and (b)(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).		
20. Failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions event occurring between December 31, 2003, and August 18, 2004 [30 TEX. ADMIN. CODE § 101.211(b)(8) and (b)(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
21. Failed to submit a final record no later than two weeks after the end of the scheduled SSM activity [30 TEX. ADMIN. CODE § 101.211(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
22. Failed to maintain an emission rate below the allowable limits. Sixteen emissions events occurred between December 31, 2003, and August 18, 2004, which exceeded the MAERT. Since these emissions events were inaccurately reported or reported late, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC1 and MAERT, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
23. Failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO_2 for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NO_X and VOC emissions were not reported. Since the emissions events were not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC1 and MAERT, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
24. Failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO_2 and 1.88 lbs/hr for H_2S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H_2S and 9,380 lbs of SO_2. Since this emissions event was inaccurately reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 9195A/PSD-TX-453M6, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
25. Failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO_2 and 1.88 lb/hr for H_2S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H_2S and 21,036 lb of SO_2. Since this emissions event was inaccurately reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 9195A/PSD-TX-453M6, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b).		
26. Failed to include all of the required information in the final reports submitted for emission event reporting [30 TEX. ADMIN. CODE §§ 101.201(b)(4), (7), and (8), 101.211(b)(5), (8), and (9) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
27. Failed to submit a final report within two weeks if the information differs from the information provided in the initial notification, and failed to submit initial reports within 24 hours [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
28. Emitted into the atmosphere unauthorized air contaminants during 15 emissions. Since these emissions events were avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit Nos. 9193A, PSD-TX-453M6, Maximum Allowable Emission Sources – SC 2, 9195A, PSD-TX-453M6, MAERT – SC1, 54026 MAERT – SC1, 18936, PSD-TX-762M2, GC 8, 49743, MAERT – SC1, 30 TEX. ADMIN. CODE §§ 116.110(a), 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
29. Emitted into the atmosphere unauthorized air contaminants during 4 emission events. Since these emissions events were avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit Nos. 9193A, PSD-TX-453M6, Maximum Allowable Emission Sources – SC2, 9195A, PSD-TX-453M6, Maximum Allowable Emission Sources – SC1, 49743, MAERT – SC1, 54026, MAERT – SC1, 49743, MAERT – SC1, 54026, MAERT – SC1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F, and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
30. Failed to maintain the minimum flame temperature at the SRU Thermal Reactor (EPN) when processing sour water stripping gas [TCEQ Air Permit No. 9195A/PSD-TX453M6 SC5, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
31. Failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14,18, 23, and March 8-10, 2004 [TCEQ Air Permit No. 9195A/PSD-TX453M6 SC6, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
32. Failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through [TCEQ Air Permit No. 17352 SC 4C, 30 TEX. ADMIN. CODE § 116.115(c), and Tex. HEALTH & SAFETY CODE § 382.085(b).		
33. Failed to maintain an emission limit below the maximum allowable concentration for NO_X and SO_2 at the FCCU flue gas vent (EPN 55GNFLUGS) [TCEQ Air Permit No. 18936/PSD-TX-762M2 SC 8, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
34. Failed to maintain the NO_X emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR) during the time period from January 7 to February 28, 2004 [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 43109 SC 3A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
35. Failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004 [30 TEX. ADMIN. CODE § 116.115(c), Permit No. 46396 SC 5B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
36. Failed to maintain a firing rate of 63 MMBtu/hr or less at the BTX Heater H-52 on February 3 and 4, 2004 [Standard Exemption 106 (effective October 5, 1995) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
37. Failed to maintain an emission rate below the maximum allowable emission rates for Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004 [TCEQ Air Permit Nos. 54026 SC1 and 9195A/PSD-TX-453M6 SC1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
38. Failed to properly report on emissions event which occurred on June 21, 2003 [30 TEX. ADMIN. CODE §§ 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
39. Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003 [TCEQ Air Permit No. 18936/PSD-TX-762M230, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].		
40. Failed to properly report an emission event which occurred on February 25-27, 2003 [30 TEX. ADMIN. CODE §§ 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
41. Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1 A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003 [TCEQ Air Permit 18936/PSD-TX-762M2, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
42. Failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003 [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
43. Failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003 [TEX. HEALTH & SAFETY CODE § 382.085(a)].		
44. Failed to satisfy the final reporting requirements for a reportable emission event which occurred on May 1-3, 2003 [30 TEX. ADMIN. CODE § 101.201(b)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
45. Failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridle of the Depentanizer Overhead Drum on May 1-3, 2003 [TEX. HEALTH & SAFETY CODE § 382.085(a)].		
46. Failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and (a)(2)(D), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
47. Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003 [TCEQ Air Permit No. 18936/PSD-TX-762M2,30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F), and Tex. Health & Safety Code § 382.085(a) and (b)].		
48. Failed to properly report an emissions event that occurred at NGL Sphere 848 on March 16-17, 2004 [30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
49. Failed to prevent the unauthorized release of ten lbs of benzene from NGL Sphere 848 on March 16-17, 2004 [TEX. HEALTH & SAFETY CODE § 382.085(a)].		
50. Failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003 and ended December 23, 2004 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
51. Failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23,2003 [TCEQ Air Permit No. 54026 SC 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
52. Failed to comply with the emission limitations at the UNIBON Heater (EPNHUNIBH301) and prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004 when a valve on the startup line between the heater and V-7 was left open [TCEQ Air Permit No. 9193A/PSD-TX-453M6 SC 2, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].		
53. Failed to properly report three emissions events which began on December 9, 2003 at 6:25p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (b)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
54. Failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares [30 TEX. ADMIN. CODE § 101.201(b)(8) and TEX. HEALTH & SAFETY CODE § 382.085		
55. Failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003 through December 14, 2003 [TCEQ Air Permit Nos. 9195A/PSD-TX-453M6 SC 1, and 54026 SC 1 and 5, 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(4)(A)(i), and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
56. Failed to properly report an emissions event that occurred at the Area 1 NAC which began on November 9, 2003 [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and (b)(10), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
57. Failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO_2, and NOx, respectively. During the incident, the South Flare released 6,785.7 lbs of SO_2, and 169 lbs of NOx [TCEQ Air Permit No. 54026 SC 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
58. Failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO_2 and H_2S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO_2 and 100 lbs of H_2S. The North Flare has an emission limit of 10.66 lbs/hr for SO_2. During the incident, the flare released 1,212 lbs of SO_2 over a 1.8 hr period [TCEQ Air Permit No. 54026 SC 1, 9195A/PSD-TX-453M6 SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 59. Failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 60. Failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO_2 were released from the Wet Gas scrubber on October 31, 2004, and the SO_2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 18936/PSD-TX-762M2, GC 8 and SC 1A, 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), 40 CFR 60.104(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 61. Failed to prevent unauthorized VOC emissions of 432 lbs on November 8,2004. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 49743, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 62. Failed to prevent unauthorized emissions of 1648.76 lbs of SO_2 during a one hour thirty-six minute emissions event which occurred at the South Flare on May 3, 2005. Since the emissions event could have been avoided by good operation practices, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
63. Failed to maintain the VOCs emission rate below 7.56 lbs/hr. at the FPM Cooling Tower between May 17, 2005 and December 15, 2005. Cooling tower leaks occurring May 31, July 20, September 7 – 27, and December 14 – 15, 2005, released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively [TCEQ Air Permit No. 18936/PSD-TX-762M2, 30 TEX. ADMIN. CODE §§ 110.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b) 64. Failed to maintain the VOCs emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15 until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1062.6 lbs of toluene, and 88.8 lbs of Zylene (a total of 1,712.2 lbs of VOCs) occurred [30 TEX. ADMIN. CODE § 106.371 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 65. Failed to prevent unauthorized emissions of 1835.42 lbs of SO2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005 [TCEQ Air Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 66. Failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 67. Failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005. Unauthorized emissions of 66.42 lbs of 1,2,4--Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of xylene were released [Permit by Rule ("PBR") Registration No. 72930, 30 TEX. ADMIN. CODE § 106.6(b). and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 68. Failed to report the occurrence of deviations in a SDR, failed to submit an ACC, and failed to properly certify a SDR [30 TEX. ADMIN. CODE §§ 122.145(2)(A), 122.146(1), and 122.165(b), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (FOP) 0-02222]. 69. Failed to prevent unauthorized emissions of 7.35 lbs of H_2S and 675.88 lbs of SO_2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-1267, General Terms and Conditions and Special Terms and Conditions 27, Air Permit 54026, SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
70. Failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units [TCEQ Air Permit No. 18936\PSD-TX-762M3, GC 8, FOP No. O-01267, GTC and SC 27, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
71. Failed to prevent unauthorized emissions of 229.98 lbs. of H_2S, 22,144.41 lbs of SO_2, 352.24 lbs of NO_X, 666.45 lbs of Carbon Monoxide ("CO"), 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH_3 from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC 1, TCEQ Air Permit No. 9195A and PSD-TX-453M6, SC 1, FOP No. O-01267, GTC and SC 27, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
72. Failed to prevent unauthorized emissions of 13.51 lbs of H_2S and 1264.68 lbs of SO_2 from the North and South Flares during a 2 hr 42 min emissions event on December 10, 2006. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [TCEQ Air Permit No. 54026, SC 1, FOP No. O-01267 GTC and SC 27, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
73. Failed to prevent unauthorized emissions of 99.28 lbs of H_2S and 9,078.06 lbs of SO_2 from Unit 835 [TCEQ Air Permit No. 54026, SC No. 1 and GC No. 8, 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Attachment A
Docket No.: 2007-0172-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TOTAL Petrochemicals USA, Inc.
Penalty Amount:	Seven hundred forty-nine thousand nine hundred ten dollars ($749,910)
Type of SEPs:	Pre-approved
Third-Party Recipients:	Project 1: Jefferson County *Southeast Texas Regional Air Monitoring Network* Project 2: City of Port Arthur *Natural Gas Generator Replacement Project* Project 3: Southeast Texas Regional Planning Commission *West Port Arthur Home Energy Efficiency Program*
SEP Amount:	Three hundred seventy-four thousand nine hundred fifty-five dollars ($374,955) divided as follows: • Two hundred sixty-three thousand four hundred eighty-seven dollars ($263,487) shall be applied to Project No. 1 • Eighty-six thousand four hundred sixty-eight dollars ($86,468) shall be applied to Project No. 2 • Twenty-five thousand dollars ($25,000) shall be applied to Project No. 3
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

Respondent shall contribute the SEP Amounts to the Third-Party Recipients pursuant to the agreement between the Third-Party Recipients and the TCEQ. The contributions will be to the **Jefferson County** *Southeast Texas Regional Air Monitoring Network,* **City of Port Arthur** *Natural Gas Generator Replacement Project*, and the **Southeast Texas Regional Planning Commission** *West Port Arthur Home Energy Efficiency Program* in Jefferson County. Specifically, SEP monies for the Southeast Texas Regional Air Monitoring Network will be used to will maintain, operate, and repair seven monitoring stations located at Beaumont, Cove School, Mauriceville, Sabine Pass, Southeast Texas Regional Airport, Port Neches, and West Orange. These monitoring stations monitor ozone (O_3), nitrogen oxides (NOx), and volatile organic compounds (VOC).

SEP monies for the Natural Gas Generator Replacement project will be used for the direct cost of purchasing a lower-emitting and more fuel-efficient 80 kilowatt (KW) natural gas fueled generator system to replace an existing 30 year old 30 KW diesel fueled generator at the City's fire station.

SEP monies for the *West Port Arthur Home Energy Efficiency Program* will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating the homes and appliances, as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to do these projects and that they are being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Continued implementation of the air quality monitoring project will provide a discernable environmental benefit by assisting in identification of potential air quality concerns within the regional air shed and may help identify and control emission sources.

Implementation of the Generator Acquisition project will provide a discernable environmental benefit by reducing NOx emissions by an estimated 200 pounds/hour. (The current diesel generator emits an estimated 202 pounds of NOx per hour, and the new generator will emit an estimated one pound of NOx per hour.)

Implementation of the Home Energy Efficiency Program will provide a discernable environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), VOC, and NOx associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Amounts to the Third-Party Recipients. Respondent shall mail the respective contributions along with a copy of the Agreed Order with each contribution, to the addresses below:

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

City of Port Arthur
Steve Fitzgibbons, City Manager
Attention: Generator Replacement SEP Project
City of Port Arthur
P.O. Box 1089
Port Arthur, TX 77641

Southeast Texas Regional Planning Commission
Bob Dickinson
Director, Transportation and Environmental Resources
Attention: SEP - West Port Arthur Home Energy Project
South East Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont, TX 77703

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

3. Records and Reporting

Concurrent with the payment of the SEP Amounts, Respondent shall provide the TCEQ SEP Coordinator with a copy of the checks and transmittal letters indicating full payment of the SEP Amounts to the Third-Party Recipients as described in Section 2, above.

4. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall submit a check for the remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear

statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES						
Assigned	05-Jul-2005					
PCW	04-Nov-2007	Screening	06-Jul-2005	EPA Due	24-Mar-2006	

RESPONDENT/FACILITY INFORMATION

Respondent	TOTAL Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	24657	No. of Violations	6
Docket No.	2005-0355-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	John Barry
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $13,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 139% Enhancement *Subtotals 2, 3, & 7* $18,070

Notes: The respondent is an average performer with six administrative orders with denial of liability, one federal order with denial of liability, six other NOVs, one notice of audit, and one disclosure of violation.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: Does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction *Subtotal 5* -$3,250

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

Notes: The respondent provided documentation and reached compliance on June 6, 2005.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$723
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 Final Subtotal $27,820

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $27,820

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $27,820

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral is offered for a direct referral to Litigation.

PAYABLE PENALTY $27,820

EXHIBIT
tabbies
PCW-A

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

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)*	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	5	100%
	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		0%
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)*	1	30%
	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*	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)*	1	-2%

		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) **139%**

>> 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

The respondent is an average performer with six administrative orders with denial of liability, one federal order with denial of liability, six other NOVs, one notice of audit, and one disclosure of violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **139%**

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(7)and (b)(8)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to completely speciate the volatile organic compounds (VOC) emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and to specify the presence and quantity of carbon monoxide (CO) released during a April 22, 2005, emissions event in its final report.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: 70% or more of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 3

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one use a small x

Violation Base Penalty $300

Three single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $13

Statutory Limit Test

Violation Final Penalty Total $642

This violation Final Assessed Penalty (adjusted for limits) $642

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$300	29-Sep-2004	06-May-2005	0.6	$1	$12	$13
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated costs of providing correct emissions speciation on the final reports; the date required is the date of first final report; the final date is the ending date of the last of two investigations during which the correct speciation was verified.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $300

TOTAL $13

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 2

Primary Rule Cite(s)	TCEQ Air Permit No. 49743, Special Condition (SC) 1
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to prevent unauthorized emissions above permitted limits. Specifically, on October 15, 2004, Emission Point Number (EPN) 22TANK0475 at Tank 475 released approximately 3,358 pounds (lb) of volatile organic compounds (VOC) in excess of permitted limits during a 209 hour (hr) period. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

	daily	
	monthly	
mark only one	*quarterly*	
use a small x	*semiannual*	
	annual	
	single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $5,350

This violation Final Assessed Penalty (adjusted for limits) $5,350

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0		$0
Notes for AVOIDED costs	See Violations Nos. 1 and 4						

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 3

Primary Rule Cite(s)	TCEQ Air Permit No. 54026, SC 1
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approximately 254 lb of hydrogen sulfide (H_2S) and 2,247 lb of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 Fluidized Catalytic Cracking Unit (FCCU) released approximately 86 lb of H_2S, 1,574 lb of sulfur dioxide (SO_2), and 7,964 lb of VOC in excess of permitted limits during a 20.27 hr period. Since the emissions events were not properly reported, TOTAL failed to meet the demonstrations 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $10,700

This violation Final Assessed Penalty (adjusted for limits) $10,700

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0		$0
Notes for AVOIDED costs	See Violations Nos. 1 and 4						

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number	4
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a) and (g)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to electronically submit the final report for the emissions event that began on November 14, 2004, and to notify the TCEQ within 24 hours of the April 22, 2005, emissions event.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $210

Statutory Limit Test

Violation Final Penalty Total $428

This violation Final Assessed Penalty (adjusted for limits) $428

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$200	29-Nov-2004	06-Jun-2005	1.0	$10	$200	$210
Notes for AVOIDED costs	Estimated avoided costs of submitting timely reports; the date required is the day the first final report was to be electronically filed; the final date is the date that information on the April 22, 2005, emission event was made available.						

Approx. Cost of Compliance $200

TOTAL $210

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 5

Primary Rule Cite(s)	TCEQ Air Permit No. 18936/PSD-TX-762M2, General Conditions 8
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lb of oxides of nitrogen (NOx) in excess of permitted limits during a 7 hr period. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $5,350

This violation Final Assessed Penalty (adjusted for limits) $5,350

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0		$0
Notes for AVOIDED costs	See Violations Nos. 1 and 4						

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 06-Jul-2005 **Docket No.** 2005-0355-AIR-E **PCW**

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

Case ID No. 24657 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 6

Primary Rule Cite(s) TCEQ Air Permit No. 18936/PSD-TX-762M2, SC 1A and 8

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3) and 116.115(c), 40 Code of Fed. Reg. § 60.104(b)(1), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain the SO_2 and NO_x concentrations below the maximum allowable limits. FCCU Flue Gas Vent Stack's continuous emissions monitoring system (CEMS) documented an average hourly SO_2 concentration greater than 50 parts per million by volumn (ppm) from 2015 to 2115 and from 2200 to 2400 hours and an average hourly NO_x concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005.

Base Penalty $10,000

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

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 70% or more of the permit requirement was not met.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $5,350

This violation Final Assessed Penalty (adjusted for limits) $5,350

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$500	22-Apr-2005	23-Apr-2005	0.0	$0	$500	$500
Notes for AVOIDED costs	See Violations Nos. 1 and 4						

Approx. Cost of Compliance $500

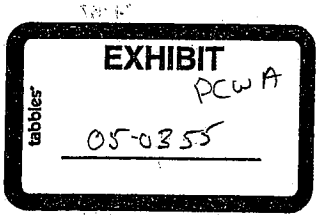
TOTAL $500

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.730

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 7.76

ID Number(s):



WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	WQ0000491000
WATER LICENSING	LICENSE	1230048
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
AIR NEW SOURCE PERMITS	REGISTRATION	70705
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70342
AIR NEW SOURCE PERMITS	REGISTRATION	70153
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43108
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	35738
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	29409
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	9194

AIR NEW SOURCE PERMITS	PERMIT	8983
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR OPERATING PERMITS	PERMIT	2222
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	54067
AIR NEW SOURCE PERMITS	PERMIT	N007
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	P688M1
AIR NEW SOURCE PERMITS	PERMIT	P762M1
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	P903
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	72108

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 17, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 17, 2000 to February 17, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: John Barry Phone: (409) 899-8781

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. Comments: STEERS

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: 5/14/04 ADMINORDER 2002-0888-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
SC2 PERMIT
SC2B PERMIT
SC3H PERMIT
Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC2 PERMIT
Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC4C PERMIT
Description: Failure to perform stack sampling.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC5 PERMIT
Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor valves within the Reformer unit.

Effective Date: 7/21/02 ADMINORDER 2002-0148-AIR-E 2

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 1/8/05 ADMINORDER 2003-1481-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT
Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate
Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 334, SubChapter B 334.21(b)
Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 9/25/03 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC3 PERMIT
Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 5/14/04 ADMINORDER 2002-1051-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 8 PERMIT
Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1D PERMIT
Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
SC2 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

N/A

See addendum for information regarding federal actions.

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.)

2	11/15/2000	(105756)
4	11/15/2000	(105755)
6	04/24/2002	(IE0016486003003)
8	10/27/2000	(105754)
10	10/12/2000	(105753)
12	09/28/2000	(105752)
14	09/13/2000	(105751)
16	07/30/2002	(5633)
18	08/30/2000	(105750)
20	08/18/2000	(105749)
22	05/30/2003	(60547)
24	08/18/2000	(105748)
26	08/18/2000	(105747)
28	08/18/2000	(105746)
30	12/03/2002	(18034)
32	08/18/2000	(105745)
34	08/09/2000	(105744)
36	08/09/2000	(105743)
38	06/17/2004	(275130)
40	08/02/2000	(105742)
42	08/02/2000	(105741)
44	05/28/2003	(60762)
46	08/02/2000	(105740)
48	12/17/2004	(351947)
50	01/11/2005	(345742)
52	08/02/2000	(105739)
54	08/02/2000	(105738)
56	08/01/2000	(105737)
58	02/22/2000	(157184)
60	08/01/2000	(105736)
62	08/01/2000	(105735)
64	02/21/2001	(157185)
66	08/01/2000	(105734)
68	02/22/2002	(157186)
70	08/01/2000	(105733)
72	06/15/2004	(271209)
74	08/01/2000	(105732)
76	08/19/2003	(147506)
78	02/20/2003	(157187)
80	08/01/2000	(105731)
82	07/20/2000	(105730)
84	07/20/2000	(105729)
86	03/21/2001	(157188)
88	10/23/2002	(12544)
90	08/29/2003	(33657)
92	07/19/2000	(105728)
94	09/27/2004	(282656)
96	06/18/2000	(105727)
98	03/21/2002	(157189)
100	12/13/2002	(18670)
102	06/06/2000	(105726)
104	11/26/2002	(16327)
106	03/19/2003	(157190)
108	04/25/2003	(25379)
110	06/06/2000	(105725)
112	05/19/2000	(105724)
114	12/14/2004	(269700)
116	05/19/2000	(105723)
118	03/17/2000	(157191)
120	11/05/2002	(16050)
122	07/16/2003	(112393)
124	07/12/2004	(269851)
126	05/12/2000	(105722)
128	04/23/2002	(157192)
130	05/12/2000	(105721)
132	05/12/2000	(105720)
134	04/20/2000	(157193)
136	05/12/2000	(105719)

138	08/27/2000	(112628)
140	05/12/2000	(105718)
142	05/05/2000	(112627)
144	05/12/2000	(105717)
146	08/03/2000	(112626)
148	04/23/2001	(157194)
150	05/05/2000	(105716)
152	04/23/2002	(157195)
154	05/05/2000	(105715)
156	03/15/2000	(105714)
158	07/30/2002	(5734)
160	07/29/2004	(269691)
162	04/18/2003	(157196)
164	03/15/2000	(105713)
166	03/15/2000	(105712)
168	03/15/2000	(105711)
170	05/22/2000	(157197)
172	03/15/2000	(105710)
174	05/22/2001	(157198)
176	03/15/2000	(105709)
178	03/15/2000	(105708)
180	05/22/2002	(157199)
182	03/15/2000	(105707)
184	01/16/2004	(257106)
186	05/21/2003	(157200)
188	06/20/2000	(157201)
190	08/12/2002	(5088)
192	10/17/2003	(152374)
194	06/21/2001	(157202)
196	02/07/2003	(22079)
198	06/24/2002	(157203)
200	03/30/2004	(332764)
202	06/23/2003	(157204)
204	01/14/2004	(259132)
206	07/21/2000	(157205)
208	12/15/2003	(252528)
210	08/31/2001	(157206)
212	07/22/2002	(157207)
214	02/25/2004	(263664)
216	01/21/2003	(20714)
218	11/12/2004	(291212)
220	07/21/2003	(157208)
222	08/16/2004	(281567)
224	08/21/2000	(157209)
226	08/31/2001	(157210)
228	05/25/2004	(271847)
230	11/29/2004	(337787)
232	08/21/2002	(157211)
234	10/24/2002	(12480)
236	02/18/2004	(262253)
238	09/21/2000	(157212)
240	09/20/2001	(157213)
242	11/22/2002	(5078)
244	05/08/2003	(33263)
246	09/23/2002	(157214)
248	10/23/2000	(157215)
250	08/17/2004	(280413)
252	10/24/2001	(157216)
254	06/17/2004	(273769)
256	04/23/2004	(264889)
258	10/18/2002	(157217)
260	08/21/2003	(147314)
262	11/22/2000	(157219)
264	02/23/2004	(295004)
266	07/30/2002	(5973)
268	08/09/2002	(5238)
270	03/22/2004	(295006)
272	11/19/2001	(157220)
274	04/19/2004	(295007)
276	11/21/2002	(157221)
278	08/29/2002	(3801)
280	04/28/2004	(269294)
282	05/21/2004	(295009)
284	06/23/2004	(269696)
286	12/21/2000	(157223)
288	07/20/2001	(105795)

290	01/11/2005	(286852)
292	11/10/2003	(140784)
294	07/20/2001	(105794)
296	07/20/2001	(105793)
298	06/22/2004	(295011)
300	01/28/2003	(22061)
302	08/31/2004	(280247)
304	07/20/2001	(105792)
306	12/21/2001	(157224)
308	07/19/2001	(105791)
310	12/07/2004	(341531)
312	07/21/2004	(295013)
314	07/19/2001	(105790)
316	12/20/2002	(157225)
318	07/19/2001	(105789)
320	07/19/2001	(105788)
322	08/31/2004	(285080)
324	07/19/2001	(105787)
326	08/21/2003	(295015)
328	07/19/2001	(105786)
330	01/22/2001	(157227)
332	07/19/2001	(105785)
334	09/22/2003	(295017)
336	01/22/2002	(157228)
338	01/21/2003	(157229)
340	06/28/2001	(105784)
342	10/21/2003	(295019)
344	08/29/2003	(31893)
346	06/01/2001	(105783)
348	11/21/2003	(295020)
350	05/25/2001	(105782)
352	01/07/2004	(251647)
354	08/17/2004	(286899)
356	03/30/2001	(105781)
358	12/22/2003	(295021)
360	03/29/2001	(105780)
362	01/21/2004	(295022)
364	03/08/2001	(105779)
366	03/01/2001	(105778)
368	03/01/2001	(105777)
370	02/23/2001	(105776)
372	03/18/2004	(259900)
374	02/23/2001	(105775)
376	02/23/2001	(105774)
378	02/23/2001	(105773)
380	08/23/2004	(351943)
382	02/23/2001	(105772)
384	02/23/2001	(105771)
386	02/23/2001	(105770)
388	01/11/2005	(345734)
390	02/23/2001	(105769)
392	12/17/2003	(253859)
394	09/21/2004	(351944)
396	02/14/2001	(105768)
398	04/08/2004	(265693)
400	01/26/2001	(105767)
402	12/22/2000	(105766)
404	12/21/2000	(105765)
406	12/21/2000	(105764)
408	12/07/2000	(105763)
410	10/21/2004	(351945)
412	12/07/2000	(105762)
414	11/22/2000	(105761)
416	11/16/2000	(105760)
418	03/05/2004	(258714)
420	11/16/2000	(105759)
422	08/17/2004	(283908)
424	01/11/2005	(345047)
426	11/16/2000	(105758)
428	11/18/2004	(351946)
430	11/16/2000	(105757)

Actually 215 investigations

N/A

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

1 Date: 03/30/2004 (332764)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

2 Date: 04/26/2004 (264889)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated.

3 Date: 10/31/2000 (157219)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

4 Date: 03/31/2004 (295007)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

5 Date: 11/30/2000 (157223)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

6 Date: 06/28/2001 (105784)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
Description: PERMIT COND/PBR

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Violation Classification: Moderate
Citation: 30 TAC Chapter 101, Subchapter A
40 CFR Chapter 61, Subchapter C, PT 61, SubPT FF
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision March 02, 2005*

DATES							
Assigned	18-Jan-2005						
PCW	04-Nov-2007	Screening	21-Feb-2005	Priority Due	19-Mar-2005	EPA Due	08-Oct-2005

RESPONDENT/FACILITY INFORMATION

Respondent	TOTAL Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Additional ID No(s).	Air Account No. JE0005H		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	24657	No. of Violations	8
Docket No.	2005-0355-AIR-E	Order Type	Findings
Case Priority	2 (SNC/HPV)	Enf. Coordinator	John Barry
Media Program(s)	Air Quality	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $50,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 137% Enhancement — *Subtotals 2, 3, & 7*: $68,774

Notes: The respondent is an average performer with five orders with denial of liability, one federal order with denial of liability, five other NOVs, including three that are self-reported, one notice of audit, and one disclosure of violation.

Culpability: No — 0% Enhancement — *Subtotal 4*: $0

Notes: Does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

Notes: The violations are past events with no opportunity to comply.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$12,110
Approx. Cost of Compliance	$11,700

SUM OF SUBTOTALS 1-7 — Final Subtotal: $118,974

OTHER FACTORS AS JUSTICE MAY REQUIRE: 0% — Adjustment: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $118,974

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $111,574

DEFERRAL: 0% Reduction — Adjustment: $0

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

Notes: No deferral is offered for a Findings Order.

PAYABLE PENALTY: $111,574

EXHIBIT
tabbies
PCW-B

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Respondent TOTAL Petrochemicals USA, Inc.

Case ID No. 24657

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Site Address 7600 32nd Street, Port Arthur, Jefferson County

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)*	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	5	100%
	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	0	0%
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)*	1	30%
	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*	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)*	1	-2%

		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) **137%**

>> 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

The respondent is an average performer with five orders with denial of liability, one federal order with denial of liability, five other NOVs, including three that are self-reported, one notice of audit, and one disclosure of violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **137%**

PCW

Policy Revision 2 (September 2002)
PCW Revision March 02, 2005

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E
Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number 1

Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(4), (b)(7), (b)(8), and b(10)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to properly submit a final record for 24 emissions events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: 30% or less of the rule was not met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 24

mark only one, use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,400

Twenty-four single events are recommended, one for each incomplete report submitted, as documented during the December 23, 27, and 31, 2004, investigations

Economic Benefit (EB) for this violation

Estimated EB Amount $2,520

Statutory Limit Test

Violation Final Penalty Total $5,688

This violation Final Assessed Penalty (adjusted for limits) $5,688

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$2,400	26-Jan-2004	24-Jul-2004	1.0	$120	$2,400	$2,520
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Avoided costs of reporting properly; the date required is the date the first report was due; the final date is one day after the last report was due.						

Approx. Cost of Compliance $2,400

TOTAL $2,520

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Respondent TOTAL Petrochemicals USA, Inc.

Case ID No. 24657

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 2

Primary Rule Cite(s) TCEQ Air Permit No. 18936/PSD-TX-762M2, General Condition (GC) 8

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F), formerly (G), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent unauthorized emission releases. Beginning on January 26, 2004, Emission Point Number (EPN) 55RGNFLUGS at the Fluidized Catalytic Cracking Unit (FCCU) released 13,491.01 pounds (lb) of carbon monoxide (CO) in excess of limits and 12,714.71 lb of sulfur dioxide (SO_2) in excess of limts, intermittently for 72 hours (hr) during a 356 hr period; no information available on the amount of particulate matter (PM) released. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations 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
OR	Actual		X	
	Potential			

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event is recommended, as documented during the December 23, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $11,850

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

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	26-Jan-2004	30-Jan-2004	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of preventing the emissions event; the date required is the date the emissions event began; the final date is one day after the emissions event ended.						

Approx. Cost of Compliance $500

TOTAL $500

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Respondent TOTAL Petrochemicals USA, Inc.

Case ID No. 24657

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 3

Primary Rule Cite(s)	TCEQ Air Permit No. 18936/PSD-TX-762M2, Maximum Allowable Emissions Rate Table (MAERT)
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F), formerly (G), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 minute (min) period, the South Flare, EPN 142, released 5,073.07 lb of SO_2 in excess of the limit of 0.34 lb/hr. Since the emissions events were not properly reported, TOTAL failed to meet the demonstrations 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended, as documented during the December 23, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $5,925

This violation Final Assessed Penalty (adjusted for limits) $5,925

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	13-Jun-2003	14-Jun-2003	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of preventing the emissions event; the date required is the date emissions event began; the final date is one day after the emissions event ended.						

Approx. Cost of Compliance $500

TOTAL $500

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Respondent TOTAL Petrochemicals USA, Inc.

Case ID No. 24657

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(7), (b)(8), and (c), and 101.211(c)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to submit a final record no later than two weeks after the end of the emissions event or scheduled activity causing the emissions. Three final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 3

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

Three single events are recommended, one for each report submitted late, as documented during the December 23 and 31, 2004, investigations

Economic Benefit (EB) for this violation

Estimated EB Amount $315

Statutory Limit Test

Violation Final Penalty Total $711

This violation Final Assessed Penalty (adjusted for limits) $711

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$300	27-Jun-2003	15-May-2004	1.0	$15	$300	$315
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of reporting properly; the date required is the date the first report was due; the final date is one day after the last report was due.						

Approx. Cost of Compliance $300

TOTAL $315

PCW

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E

Respondent TOTAL Petrochemicals USA, Inc.

Case ID No. 24657

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 5

Primary Rule Cite(s) TCEQ Air Permit No. 54026, Special Condition (SC) 1

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO_2, H_2S, volatile organic compounds (VOC), CO, and oxides of nitrogen (NO_x) from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE, as shown in the attached Table One. Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 9

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $22,500

Nine single events are recommended, one for each emissions event, as documented during the December 23, 27, and 31, 2004, investigations.

Economic Benefit (EB) for this violation

Estimated EB Amount $5,775

Statutory Limit Test

Violation Final Penalty Total $53,325

This violation Final Assessed Penalty (adjusted for limits) $53,325

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$5,500	14-Feb-2004	24-Jul-2004	1.0	$275	$5,500	$5,775
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of preventing the emissions events; the date required is the date the emissions events began; the final date is one day after the emissions events ended.						

Approx. Cost of Compliance $5,500

TOTAL $5,775

PCW

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E

Respondent TOTAL Petrochemicals USA, Inc.

Case ID No. 24657

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 6

Primary Rule Cite(s) TCEQ Air Permit No. 54026, SC 1

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hr, emitting significant quantities of SO_2 and H_2S as as shown in the attached Table One. Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations 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 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended, as documented during the December 27, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,000

Statutory Limit Test

Violation Final Penalty Total $11,850

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

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$1,000	14-Jul-2004	24-Jul-2004	0.0	$0	$1,000	$1,000
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of preventing the emissions events; the date required is the date the emissions events began; the final date is one day after the emissions events ended.						

Approx. Cost of Compliance $1,000

TOTAL $1,000

PCW

Policy Revision 2 (September 2002)
PCW Revision March 02, 2005

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E
Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number	7
Primary Rule Cite(s)	TCEQ Air Permit No. 54026, SC 4 and 5
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20, 111.111(a)(4), 113.100, 113.34, and 116.115(c), 40 Code of Federal Regulations (CFR) §§ 60.18(c) and 63.11(a), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to properly operate EPN 53SOUTHFLR. During an eighteen minute time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds.

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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended, as documented during the December 27, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $5,925

This violation Final Assessed Penalty (adjusted for limits) $5,925

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	23-Jul-2004	24-Jul-2004	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of preventing the smoking event; the date required is the date the smoking event began; the final date is one day after it ended.						

Approx. Cost of Compliance $500

TOTAL $500

PCW

Policy Revision 2 (September 2002)
PCW Revision March 02, 2005

Screening Date 21-Feb-2005 **Docket No.** 2005-0355-AIR-E
Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Enf. Coordinator John Barry

Violation Number 8

Primary Rule Cite(s) TCEQ Air Permit No. 9195A/PSD-TX-TX453M6, SC 1

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lb of SO_2 and 469.74 lb of H_2S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lb of SO_2 and 672.32 lb of H_2S were emitted above limits. Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations 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 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $10,000

Two single events are recommended, as documented during the December 27, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,000

Statutory Limit Test

Violation Final Penalty Total $23,700

This violation Final Assessed Penalty (adjusted for limits) $20,000

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 24657
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$1,000	14-Jul-2004	24-Jul-2004	0.0	$0	$1,000	$1,000
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided costs of preventing the emissions events; the date required is the date the emissions events began; the final date is one day after the emissions events ended.						

Approx. Cost of Compliance $1,000

TOTAL $1,000

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.730

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 7.76

ID Number(s):

WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	WQ0000491000
WATER LICENSING	LICENSE	1230048
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
AIR NEW SOURCE PERMITS	REGISTRATION	70705
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70342
AIR NEW SOURCE PERMITS	REGISTRATION	70153
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43108
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	35738
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	29409
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	9194

EXHIBIT
PCW 8
05-0355
tabbies

AIR NEW SOURCE PERMITS	PERMIT	8983
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR OPERATING PERMITS	PERMIT	2222
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	54067
AIR NEW SOURCE PERMITS	PERMIT	N007
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	P688M1
AIR NEW SOURCE PERMITS	PERMIT	P762M1
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	P903
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	72108

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 17, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 17, 2000 to February 17, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: John Barry Phone: (409) 899-8781

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

STEERS

6. Comments:

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: 5/14/04 ADMINORDER 2002-0888-AIR-E 1

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
SC2 PERMIT
SC2B PERMIT
SC3H PERMIT
Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC2 PERMIT
Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC4C PERMIT
Description: Failure to perform stack sampling.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC5 PERMIT
Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor valves within the Reformer unit.

Effective Date: 7/21/02 ADMINORDER 2002-0148-AIR-E 2

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

3

Effective Date: 1/8/05 ADMINORDER 2003-1481-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT
Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate
Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 334, SubChapter B 334.21(b)
Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 9/25/03 ADMINORDER 2003-0119-AIR-E 4
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC3 PERMIT
Description: Failure to sample cooling towers for volatile organic compounds.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 8 PERMIT
Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1D PERMIT
Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
SC2 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

N/A

See addendum for information regarding federal actions.

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.)

2 11/15/2000 (105756)
4 11/15/2000 (105755)
6 04/24/2002 (IE0016486003003)
8 10/27/2000 (105754)
10 10/12/2000 (105753)
12 09/28/2000 (105752)
14 09/13/2000 (105751)
16 07/30/2002 (5633)
18 08/30/2000 (105750)
20 08/18/2000 (105749)
22 05/30/2003 (60547)
24 08/18/2000 (105748)
26 08/18/2000 (105747)
28 08/18/2000 (105746)
30 12/03/2002 (18034)
32 08/18/2000 (105745)
34 08/09/2000 (105744)
36 08/09/2000 (105743)
38 06/17/2004 (275130)
40 08/02/2000 (105742)
42 08/02/2000 (105741)
44 05/28/2003 (60762)
46 08/02/2000 (105740)
48 12/17/2004 (351947)
50 01/11/2005 (345742)
52 08/02/2000 (105739)
54 08/02/2000 (105738)
56 08/01/2000 (105737)
58 02/22/2000 (157184)
60 08/01/2000 (105736)
62 08/01/2000 (105735)
64 02/21/2001 (157185)
66 08/01/2000 (105734)
68 02/22/2002 (157186)
70 08/01/2000 (105733)
72 06/15/2004 (271209)
74 08/01/2000 (105732)
76 08/19/2003 (147506)
78 02/20/2003 (157187)
80 08/01/2000 (105731)
82 07/20/2000 (105730)
84 07/20/2000 (105729)
86 03/21/2001 (157188)
88 10/23/2002 (12544)
90 08/29/2003 (33657)
92 07/19/2000 (105728)
94 09/27/2004 (282656)
96 06/18/2000 (105727)
98 03/21/2002 (157189)
100 12/13/2002 (18670)
102 06/06/2000 (105726)
104 11/26/2002 (16327)
106 03/19/2003 (157190)
108 04/25/2003 (25379)
110 06/06/2000 (105725)
112 05/19/2000 (105724)
114 12/14/2004 (269700)
116 05/19/2000 (105723)
118 03/17/2000 (157191)
120 11/05/2002 (16050)
122 07/16/2003 (112393)
124 07/12/2004 (269851)
126 05/12/2000 (105722)
128 04/23/2002 (157192)
130 05/12/2000 (105721)
132 05/12/2000 (105720)
134 04/20/2000 (157193)
136 05/12/2000 (105719)

138	08/27/2000	(112628)
140	05/12/2000	(105718)
142	05/05/2000	(112627)
144	05/12/2000	(105717)
146	08/03/2000	(112626)
148	04/23/2001	(157194)
150	05/05/2000	(105716)
152	04/23/2002	(157195)
154	05/05/2000	(105715)
156	03/15/2000	(105714)
158	07/30/2002	(5734)
160	07/29/2004	(269691)
162	04/18/2003	(157196)
164	03/15/2000	(105713)
166	03/15/2000	(105712)
168	03/15/2000	(105711)
170	05/22/2000	(157197)
172	03/15/2000	(105710)
174	05/22/2001	(157198)
176	03/15/2000	(105709)
178	03/15/2000	(105708)
180	05/22/2002	(157199)
182	03/15/2000	(105707)
184	01/16/2004	(257106)
186	05/21/2003	(157200)
188	06/20/2000	(157201)
190	08/12/2002	(5088)
192	10/17/2003	(152374)
194	06/21/2001	(157202)
196	02/07/2003	(22079)
198	06/24/2002	(157203)
200	03/30/2004	(332764)
202	06/23/2003	(157204)
204	01/14/2004	(259132)
206	07/21/2000	(157205)
208	12/15/2003	(252528)
210	08/31/2001	(157206)
212	07/22/2002	(157207)
214	02/25/2004	(263664)
216	01/21/2003	(20714)
218	11/12/2004	(291212)
220	07/21/2003	(157208)
222	08/16/2004	(281567)
224	08/21/2000	(157209)
226	08/31/2001	(157210)
228	05/25/2004	(271847)
230	11/29/2004	(337787)
232	08/21/2002	(157211)
234	10/24/2002	(12480)
236	02/18/2004	(262253)
238	09/21/2000	(157212)
240	09/20/2001	(157213)
242	11/22/2002	(5078)
244	05/08/2003	(33263)
246	09/23/2002	(157214)
248	10/23/2000	(157215)
250	08/17/2004	(280413)
252	10/24/2001	(157216)
254	06/17/2004	(273769)
256	04/23/2004	(264889)
258	10/18/2002	(157217)
260	08/21/2003	(147314)
262	11/22/2000	(157219)
264	02/23/2004	(295004)
266	07/30/2002	(5973)
268	08/09/2002	(5238)
270	03/22/2004	(295006)
272	11/19/2001	(157220)
274	04/19/2004	(295007)
276	11/21/2002	(157221)
278	08/29/2002	(3801)
280	04/28/2004	(269294)
282	05/21/2004	(295009)
284	06/23/2004	(269696)
286	12/21/2000	(157223)
288	07/20/2001	(105795)

290	01/11/2005	(286852)
292	11/10/2003	(140784)
294	07/20/2001	(105794)
296	07/20/2001	(105793)
298	06/22/2004	(295011)
300	01/28/2003	(22061)
302	08/31/2004	(280247)
304	07/20/2001	(105792)
306	12/21/2001	(157224)
308	07/19/2001	(105791)
310	12/07/2004	(341531)
312	07/21/2004	(295013)
314	07/19/2001	(105790)
316	12/20/2002	(157225)
318	07/19/2001	(105789)
320	07/19/2001	(105788)
322	08/31/2004	(285080)
324	07/19/2001	(105787)
326	08/21/2003	(295015)
328	07/19/2001	(105786)
330	01/22/2001	(157227)
332	07/19/2001	(105785)
334	09/22/2003	(295017)
336	01/22/2002	(157228)
338	01/21/2003	(157229)
340	06/28/2001	(105784)
342	10/21/2003	(295019)
344	08/29/2003	(31893)
346	06/01/2001	(105783)
348	11/21/2003	(295020)
350	05/25/2001	(105782)
352	01/07/2004	(251647)
354	08/17/2004	(286899)
356	03/30/2001	(105781)
358	12/22/2003	(295021)
360	03/29/2001	(105780)
362	01/21/2004	(295022)
364	03/08/2001	(105779)
366	03/01/2001	(105778)
368	03/01/2001	(105777)
370	02/23/2001	(105776)
372	03/18/2004	(259900)
374	02/23/2001	(105775)
376	02/23/2001	(105774)
378	02/23/2001	(105773)
380	08/23/2004	(351943)
382	02/23/2001	(105772)
384	02/23/2001	(105771)
386	02/23/2001	(105770)
388	01/11/2005	(345734)
390	02/23/2001	(105769)
392	12/17/2003	(253859)
394	09/21/2004	(351944)
396	02/14/2001	(105768)
398	04/08/2004	(265693)
400	01/26/2001	(105767)
402	12/22/2000	(105766)
404	12/21/2000	(105765)
406	12/21/2000	(105764)
408	12/07/2000	(105763)
410	10/21/2004	(351945)
412	12/07/2000	(105762)
414	11/22/2000	(105761)
416	11/16/2000	(105760)
418	03/05/2004	(258714)
420	11/16/2000	(105759)
422	08/17/2004	(283908)
424	01/11/2005	(345047)
426	11/16/2000	(105758)
428	11/18/2004	(351946)
430	11/16/2000	(105757)

Actually 215 investigations

N/A

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

1 Date: 03/30/2004 (332764) Classification: Moderate
Self Report? NO
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

2 Date: 04/26/2004 (264889) Classification: Minor
Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Classification: Minor
Self Report? NO
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Classification: Minor
Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Classification: Minor
Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Classification: Minor
Self Report? NO
Rqmt Prov: PERMIT IA
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated.

3 Date: 10/31/2000 (157219) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

4 Date: 03/31/2004 (295007) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

5 Date: 11/30/2000 (157223) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

6 Date: 06/28/2001 (105784) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
Description: PERMIT COND/PBR

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Violation Classification: Moderate
Citation: 30 TAC Chapter 101, Subchapter A
40 CFR Chapter 61, Subchapter C, PT 61, SubPT FF
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision December 10, 2004*

TCEQ

DATES							
Assigned	06-Dec-2004	Screening	16-Dec-2004	Priority Due	04-Feb-2005	EPA Due	26-Aug-2005
PCW	04-Nov-2007						

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Additional ID No(s).	Air Account No. JE0005H		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	21782	No. of Violations	11
Docket No.	2004-1857-AIR-E	Order Type	1660 without deferral
Case Priority	2 (SNC/HPV)	Enf. Coordinator	John Barry
Media Program(s)	Air Quality	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty $ Limit	Minimum $0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $65,800

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 119% Enhancement *Subtotals 2, 3, & 7* $78,302

Notes: The respondent is an average performer with four orders containing denial of liability, one federal order containing denial language, five non-same or similar NOVs, one letter of intended audit, and one disclosure of violation.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

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

Notes: Some of the violations are past events with no opportunity to comply.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$586
Approx. Cost of Compliance	$5,500

SUM OF SUBTOTALS 1-7 Final Subtotal $144,102

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $144,102

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $139,352

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral is offered for cases referred to Litigation.

PAYABLE PENALTY $139,352

EXHIBIT

tabbies

PCW-C

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Site Address 7600 32nd Street, Port Arthur, Jefferson County

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)*	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	4	80%
	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		0%
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)*	1	30%
	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*	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)*	1	-2%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	0	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	0	0%
	Participation in a voluntary pollution reduction program	0	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	0	0%

Adjustment Percentage (Subtotal 2) **119%**

>> 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

The respondent is an average performer with four orders containing denial of liability, one federal order containing denial language, five non-same or similar NOVs, one letter of intended audit, and one disclosure of violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **119%**

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 1

Primary Rule Cite(s)	TCEQ Air Permit No. 18936/PSD-TX-762M2, Maximum Allowable Emission Rate Table (June 18, 2003)
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003. See the attached Table One. Since this emissions event was avoidable, TOTAL failed to meet the demonstrations 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 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event is recommended, as documented by the October 13 through 27, 2004, investigation.

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

Estimated EB Amount $0

Violation Final Penalty Total $10,950

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violations 5 and 8.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number	2
Primary Rule Cite(s)	TCEQ Air Permit No. 9193A/PSD-TX-453M6, MAERT
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - Startup, Shutdown, and Maintenance (SSM) activities. Two such events began on August 16 and September 21, 2003, respectively. See the attached Table Two. Since the first emissions event was inaccurately reported and avoidable and the second event was reported late and avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $10,000

Two single events are recommended, one for each emissions event, as documented by the October 13 through 27, 2004, and December 9, 2004, investigations.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $21,900

This violation Final Assessed Penalty (adjusted for limits) $20,000

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violations 4 and 5.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 3

Primary Rule Cite(s) TCEQ Air Permit No. 9193A/PSD-TX-453M6, MAERT

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - Startup, Shutdown, and Maintenance (SSM) activities, during an emissions event which began on February 8, 2003. See the attached Table Two. Since this emissions event was reported late, TOTAL failed to meet the demonstrations 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one (use a small x)	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $2,500

One single event is recommended, as documented by the October 13 through 27, 2004, investigation.

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

Estimated EB Amount $0

Violation Final Penalty Total $5,475

This violation Final Assessed Penalty (adjusted for limits) $5,475

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violation 4.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and (a)(2)(D)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to properly notify the TCEQ Regional Office within 24 hours of the reportable emissions events of February 8 -22, 2003, with respect to EPN 307 and the reportable emission events of September 21-21, 2003, with respect to EPNs 307 and 142. See the attached Table Three.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 5

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

Five single events of late reporting are recommended, as documented by the October 13 through 27, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $1,095

This violation Final Assessed Penalty (adjusted for limits) $1,095

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	09-Feb-2003	04-Mar-2003	0.1	$0	$1	$1
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated costs to properly report emissions events within 24 hours; required date is the date first report due; final date is the date the report was actually made.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $1

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 5

Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(2)(D) and 101.201(b)(4)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to properly notify the TCEQ Regional Office of the reportable emissions event of August 16-17, 2003, on two occasions with respect to EPN 307. See the attached Table Three.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Two single events of late reporting for EPN 307 are recommended, as documented by the December 9, 2004, investigation.

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

Estimated EB Amount $15

Violation Final Penalty Total $438

This violation Final Assessed Penalty (adjusted for limits) $438

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	16-Aug-2003	01-Sep-2004	1.0	$1	$14	$15
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated costs to properly report emissions events; required date is the date first report made; final date is the date correct information documented.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $200

TOTAL $15

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.211(b)(8) and (b)(9)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submited or missing for emissions events occurring between December 31, 2003, and August 18, 2004. Note that some emissions events had two such reports, one for VOC and one for other emissions; see Table Four.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
OR Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 25

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

Twenty-five single events are recommended, one for each incomplete or missing report, as documented by the October 20 through November 19, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $567

Statutory Limit Test

Violation Final Penalty Total $5,475

This violation Final Assessed Penalty (adjusted for limits) $5,475

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$5,000	28-Jan-2003	10-Sep-2004	1.6	$27	$540	$567
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated costs of properly submiting final emissions events reports; the date required is the date first proper final report due; the final date is the date correct final report information provided to the investigator by the respondent.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $5,000

TOTAL $567

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.211(c)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final record as required for an emissions event which began January 30, 2004.

Base Penalty $10,000

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

	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential				

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: 70% or more of the rule was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one use a small x

Violation Base Penalty $100

One single event is recommended, as documented by the October 20 through November 19, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $219

This violation Final Assessed Penalty (adjusted for limits) $219

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$100	13-Feb-2004	10-Sep-2004	0.6	$0	$4	$4
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated costs of properly submiting final emissions events report; the date required is the date the proper final report due; the final date is the date correct final report information provided to the investigator by the respondent.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $100

TOTAL $4

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 8

Primary Rule Cite(s) TCEQ Air Permit No. 54026, Special Condition (SC) 1 and MAERT

Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the MAERT. See the attached Table Five. Since these emissions events were inaccurately reported or reported late, TOTAL failed to meet the demonstrations 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
OR	Actual			x
	Potential			

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 13

mark only one (use a small x)	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $32,500

Thirteen single events are recommended, one for each emissions event, as documented by the October 20 through November 19, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $71,175

This violation Final Assessed Penalty (adjusted for limits) $71,175

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violations 6 and 7.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number	9
Primary Rule Cite(s)	TCEQ Air Permit No. 54026, Special Condition (SC) 1 and MAERT
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lb of SO_2 for 4.55 hr in excess of its 4.13 lb/hr limit; CO, NO_x and VOC emissions were not reported. Since this emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended, as documented by the October 20 through November 19, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $10,950

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violation 6.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0		$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number 10

Primary Rule Cite(s) TCEQ Air Permit No. 9195A/PSD-TX-453M6, SC 1

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to maintain an emission rate below the permitted limit. The Shell Claus Offgas Treater Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lb/hr for SO_2 and 1.88 lb/hr for H_2S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lb of H_2S and 9,380 lb of SO_2. Since this emissions event was inaccurately reported, TOTAL failed to meet the demonstrations 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended, as documented by the October 20 through November 19, 2004, investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $5,475

This violation Final Assessed Penalty (adjusted for limits) $5,475

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violations 6 and 7						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Screening Date 16-Dec-2004 **Docket No.** 2004-1857-AIR-E **PCW**

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

Case ID No. 21782 *PCW Revision December 10, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator John Barry

Violation Number	11
Primary Rule Cite(s)	TCEQ Air Permit No. 9195A/PSD-TX-453M6, SC 1
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain an emission rate below the permitted limit. The Shell Claus Offgas Treater Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO_2 and 1.88 lb/hr for H_2S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H_2S and 21,036 lb of SO_2. Since this emissions event was inaccurately reported, TOTAL failed to meet the demonstrations 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended, as documented by the October 20 through November 19, 2004, investigation.

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

Estimated EB Amount $0 **Violation Final Penalty Total** $10,950

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 21782
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	See EB for Violation 6.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0		$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES						
Assigned	26-Mar-2007					
PCW	13-Nov-2007	Screening	3-Apr-2007	EPA Due	21-Dec-2007	

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33282	No. of Violations	1
Docket No.	2007-0653-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Miriam Hall
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 189% Enhancement — *Subtotals 2, 3, & 7*: $9,450

Notes: Compliance history enhancement due to 10 non-similar NOV's, seven 1660-style agreed orders, one EPA order with denial of liability and a reduction due to one notice of audit.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

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

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$121
Approx. Cost of Compliance	$2,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $14,450

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment*: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $14,450

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $10,000

DEFERRAL — 0% Reduction — *Adjustment*: $0

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

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY: $10,000

Screening Date 3-Apr-2007 **Docket No.** 2007-0653-AIR-E **PCW**

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

Case ID No. 33282 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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*)	1	30%
	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*)	1	-2%

		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) 189%

>> 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

Compliance history enhancement due to 10 non-similar NOV's, seven 1660-style agreed orders, one EPA order with denial of liability and a reduction due to one notice of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 189%

Screening Date 3-Apr-2007 **Docket No.** 2007-0653-AIR-E **PCW**

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

Case ID No. 33282 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 116.115(b)(2)(F), Air Permit No. 54026, Special Condition No. 1 and General Condition No. 8 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 99.28 pounds ("lbs") of hydrogen sulfide and 9,078.06 lbs of sulfur dioxide released from Unit 835. The permitted limits for hydrogen sulfide and sulfur dioxide are 0.12 pounds per hour ("lbs/hr") and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006 and lasted for 5 hours and 14 minutes. Since the emissions event could have been avoided by better operational and maintenance practices, Total Petrochemicals failed to meet the demonstrations 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 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 the violation.

Adjustment $5,000

$5,000

Violation Events

Number of 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 $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $121

Statutory Limit Test

Violation Final Penalty Total $14,450

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 33282
Reg. Ent. Reference No. RN102457520
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	17-Jul-2006	30-Sep-2007	1.2	$121	n/a	$121
Notes for DELAYED costs	Estimated cost for additional oversight to ensure an adequate cooling system reserve capacity is maintained to handle variations in feed rate and composition to the Debutanizer column. Date required is the date of the emissions event. Final Date is the date the respondent is expected to come into compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

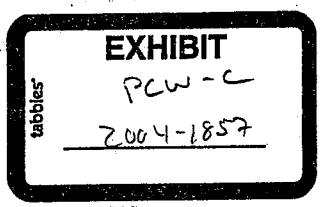
Approx. Cost of Compliance	$2,000	TOTAL	$121

Compliance History

Customer/Respondent/Owner-Operator: CN602480808 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 0.820

Regulated Entity: RN102457520 ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX Classification: AVERAGE Site Rating: 7.76

ID Number(s):



WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	WQ0000491000
WATER LICENSING	LICENSE	1230048
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
AIR NEW SOURCE PERMITS	REGISTRATION	70705
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70342
AIR NEW SOURCE PERMITS	REGISTRATION	70153
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43108
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	35738
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	29409
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	9194

AIR NEW SOURCE PERMITS	PERMIT	8983
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR OPERATING PERMITS	PERMIT	2222
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	54067
AIR NEW SOURCE PERMITS	PERMIT	N007
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	P688M1
AIR NEW SOURCE PERMITS	PERMIT	P762M1
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	P903
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	72108

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 15, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 15, 1999 to December 15, 2004

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

Name: John Barry Phone: (409) 899-8781

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?	Yes
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. Comments:	STEERS

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: 5/14/04 ADMINORDER 2002-0888-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: Not specified PERMIT
SC2 PERMIT
SC2B PERMIT
SC3H PERMIT
Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC2 PERMIT
Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC4C PERMIT
Description: Failure to perform stack sampling.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC5 PERMIT
Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to monitor valves within the Reformer unit.

Effective Date: 7/21/02 ADMINORDER 2002-0148-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1 PERMIT
Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

3

Effective Date: 9/25/03 ADMINORDER 2003-0119-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC3 PERMIT
Description: Failure to sample cooling towers for volatile organic compounds.

4

Effective Date: 5/14/04 ADMINORDER 2002-1051-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 8 PERMIT
Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1D PERMIT
Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
SC2 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

N/A

See addendum for information regarding federal actions.

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.)

2 11/15/2000 (105756)
4 11/15/2000 (105755)
6 04/24/2002 (IE0016486003003)
8 10/27/2000 (105754)
10 10/12/2000 (105753)
12 09/28/2000 (105752)
14 09/13/2000 (105751)
16 07/30/2002 (5633)
18 08/30/2000 (105750)
20 08/18/2000 (105749)
22 05/30/2003 (60547)
24 08/18/2000 (105748)
26 08/18/2000 (105747)
28 08/18/2000 (105746)
30 12/03/2002 (18034)
32 08/18/2000 (105745)
34 08/09/2000 (105744)
36 08/09/2000 (105743)
38 06/17/2004 (275130)
40 08/02/2000 (105742)
42 08/02/2000 (105741)
44 05/28/2003 (60762)
46 08/02/2000 (105740)
48 08/02/2000 (105739)
50 08/02/2000 (105738)
52 08/01/2000 (105737)
54 02/22/2000 (157184)
56 08/01/2000 (105736)
58 08/01/2000 (105735)
60 02/21/2001 (157185)
62 08/01/2000 (105734)
64 02/22/2002 (157186)
66 08/01/2000 (105733)
68 06/15/2004 (271209)
70 08/01/2000 (105732)
72 08/19/2003 (147506)
74 02/20/2003 (157187)

76	08/01/2000	(105731)
78	07/20/2000	(105730)
80	07/20/2000	(105729)
82	03/21/2001	(157188)
84	10/23/2002	(12544)
86	08/29/2003	(33657)
88	07/19/2000	(105728)
90	09/27/2004	(282656)
92	06/18/2000	(105727)
94	03/21/2002	(157189)
96	12/13/2002	(18670)
98	06/06/2000	(105726)
100	11/26/2002	(16327)
102	03/19/2003	(157190)
104	04/25/2003	(25379)
106	06/06/2000	(105725)
108	05/19/2000	(105724)
110	12/14/2004	(269700)
112	05/19/2000	(105723)
114	03/17/2000	(157191)
116	11/05/2002	(16050)
118	07/16/2003	(112393)
120	07/12/2004	(269851)
122	05/12/2000	(105722)
124	04/23/2002	(157192)
126	05/12/2000	(105721)
128	05/12/2000	(105720)
130	04/20/2000	(157193)
132	05/12/2000	(105719)
134	08/27/2000	(112628)
136	05/12/2000	(105718)
138	05/05/2000	(112627)
140	05/12/2000	(105717)
142	08/03/2000	(112626)
144	04/23/2001	(157194)
146	05/05/2000	(105716)
148	04/23/2002	(157195)
150	05/05/2000	(105715)
152	03/15/2000	(105714)
154	07/30/2002	(5734)
156	07/29/2004	(269691)
158	04/18/2003	(157196)
160	03/15/2000	(105713)
162	03/15/2000	(105712)
164	03/15/2000	(105711)
166	05/22/2000	(157197)
168	03/15/2000	(105710)
170	05/22/2001	(157198)
172	03/15/2000	(105709)
174	03/15/2000	(105708)
176	05/22/2002	(157199)
178	03/15/2000	(105707)
180	01/16/2004	(257106)
182	02/03/2000	(105706)
184	01/26/2000	(105705)
186	05/21/2003	(157200)
188	01/26/2000	(105704)
190	06/20/2000	(157201)
192	01/26/2000	(105703)
194	08/12/2002	(5088)
196	10/17/2003	(152374)
198	01/05/2000	(105702)
200	06/21/2001	(157202)
202	01/05/2000	(105701)
204	12/22/1999	(105700)
206	02/07/2003	(22079)
208	06/24/2002	(157203)
210	03/30/2004	(332764)
212	06/23/2003	(157204)
214	01/14/2004	(259132)
216	07/21/2000	(157205)
218	12/15/2003	(252528)
220	08/31/2001	(157206)
222	07/22/2002	(157207)
224	02/25/2004	(263664)
226	01/21/2003	(20714)

228	11/12/2004	(291212)
230	07/21/2003	(157208)
232	08/16/2004	(281567)
234	08/21/2000	(157209)
236	08/31/2001	(157210)
238	05/25/2004	(271847)
240	11/29/2004	(337787)
242	08/21/2002	(157211)
244	10/24/2002	(12480)
246	02/18/2004	(262253)
248	09/21/2000	(157212)
250	09/20/2001	(157213)
252	11/22/2002	(5078)
254	05/08/2003	(33263)
256	09/23/2002	(157214)
258	10/23/2000	(157215)
260	08/17/2004	(280413)
262	10/24/2001	(157216)
264	06/17/2004	(273769)
266	04/23/2004	(264889)
268	10/18/2002	(157217)
270	08/21/2003	(147314)
272	11/22/2000	(157219)
274	02/23/2004	(295004)
276	07/30/2002	(5973)
278	08/09/2002	(5238)
280	03/22/2004	(295006)
282	11/19/2001	(157220)
284	04/19/2004	(295007)
286	11/21/2002	(157221)
288	08/29/2002	(3801)
290	04/28/2004	(269294)
292	05/21/2004	(295009)
294	06/23/2004	(269696)
296	12/21/2000	(157223)
298	07/20/2001	(105795)
300	11/10/2003	(140784)
302	07/20/2001	(105794)
304	07/20/2001	(105793)
306	06/22/2004	(295011)
308	01/28/2003	(22061)
310	08/31/2004	(280247)
312	07/20/2001	(105792)
314	12/21/2001	(157224)
316	07/19/2001	(105791)
318	12/07/2004	(341531)
320	07/21/2004	(295013)
322	07/19/2001	(105790)
324	12/20/2002	(157225)
326	07/19/2001	(105789)
328	07/19/2001	(105788)
330	12/20/1999	(157226)
332	08/31/2004	(285080)
334	07/19/2001	(105787)
336	08/21/2003	(295015)
338	07/19/2001	(105786)
340	01/22/2001	(157227)
342	07/19/2001	(105785)
344	09/22/2003	(295017)
346	01/22/2002	(157228)
348	01/21/2003	(157229)
350	06/28/2001	(105784)
352	10/21/2003	(295019)
354	08/29/2003	(31893)
356	06/01/2001	(105783)
358	11/21/2003	(295020)
360	05/25/2001	(105782)
362	01/21/2000	(157230)
364	01/07/2004	(251647)
366	08/17/2004	(286899)
368	03/30/2001	(105781)
370	12/22/2003	(295021)
372	03/29/2001	(105780)
374	01/21/2004	(295022)
376	03/08/2001	(105779)
378	03/01/2001	(105778)

380 03/01/2001 (105777)
382 02/23/2001 (105776)
384 03/18/2004 (259900)
386 02/23/2001 (105775)
388 02/23/2001 (105774)
390 02/23/2001 (105773)
392 02/23/2001 (105772)
394 02/23/2001 (105771)
396 02/23/2001 (105770)
398 02/23/2001 (105769)
400 12/17/2003 (253859)
402 02/14/2001 (105768)
404 04/08/2004 (265693)
406 01/26/2001 (105767)
408 12/22/2000 (105766)
410 12/21/2000 (105765)
412 12/21/2000 (105764)
414 12/07/2000 (105763)
416 12/07/2000 (105762)
418 11/22/2000 (105761)
420 11/16/2000 (105760)
422 03/05/2004 (258714)
424 11/16/2000 (105759)
426 08/17/2004 (283908)
428 11/16/2000 (105758)
430 11/16/2000 (105757)

Actually 215 investigations

N/A

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

1 Date: 03/30/2004 (332764)
Self Report? NO
Classification: Moderate
Citation: COH Violation 305.125(1)
COH Violation 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

2 Date: 04/26/2004 (264889)
Self Report? NO
Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO
Classification: Minor
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO
Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO
Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO
Classification: Minor
Rqmt Prov: PERMIT IA
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated. The permittee was not able to furnish information regarding when the flow meter was last calibrated.

? Date: 10/31/2000 (157219)
Self Report? YES
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

4 Date: 03/31/2004 (295007)
Self Report? YES Classification: Moderate
Citation: COH Violation 26.121(a)[G]
COH Violation 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 11/30/2000 (157223)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

6 Date: 06/28/2001 (105784)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
Description: PERMIT COND/PBR

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2007
Violation Classification: Moderate
Citation: 30 TAC Chapter 101, Subchapter A
40 CFR Chapter 61, Subchapter C, PT 61, Sub PT FF
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision May 03, 2005*

TCEQ

DATES							
Assigned	14-Mar-2005						
PCW	04-Nov-2007	Screening	05-Apr-2005	Priority Due		EPA Due	06-Dec-2005

RESPONDENT/FACILITY INFORMATION

Respondent	TOTAL Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	25170	No. of Violations	4
Docket No.	2005-0705-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $48,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 179% Enhancement — *Subtotals 2, 3, & 7* $85,920

Notes: The penalty is enhanced because the respondent received six non-similar Notices of Violations, seven administrative orders, one federal order with denial language, one notice of intent to audit, and one disclosure of violation.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

Notes: The respondent is not yet in compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$595
Approx. Cost of Compliance	$12,500

SUM OF SUBTOTALS 1-7 — Final Subtotal $133,920

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $133,920

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $122,070

DEFERRAL — Reduction — Adjustment $0

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

Notes: No deferral with non-expedited order.

PAYABLE PENALTY $122,070

EXHIBIT

tabbies

PCW-D

Screening Date 05-Apr-2005 **Docket No.** 2005-0705-AIR-E **PCW**

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

Case ID No. 25170 *PCW Revision May 03, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

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)*	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
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)*	1	30%
	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*	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)*	1	-2%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	0	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	0	0%
	Participation in a voluntary pollution reduction program	0	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	0	0%

Adjustment Percentage (Subtotal 2) **179%**

>> 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

The penalty is enhanced because the respondent received six non-similar Notices of Violations, seven administrative orders, one federal order with denial language, one notice of intent to audit, and one disclosure of violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **179%**

Screening Date 05-Apr-2005 **Docket No.** 2005-0705-AIR-E **PCW**

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

Case ID No. 25170 *PCW Revision May 03, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

Violation Number 1

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(b)(4), 101.201(b)(7), 101.201(b)(8), 101.211(b)(5), 101.211(b)(8), and 101.211(b)(9)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	Failure to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the Emission Point Number, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462; 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280; 38844, 38845, 38846, 38847, 38848, 39419, 39420, 39529, 39759, and 39788, as documented during the record reviews conducted on January 4, January 7, and February 7, 2005.

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Most but not all (at least 70 percent) of the rule is met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 27

mark only one, use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,700

Twenty-seven events (1 for each incident) are recommended based on the file reviews conducted on January 4 and 7, and February 7, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $45

Statutory Limit Test

Violation Final Penalty Total $7,533

This violation Final Assessed Penalty (adjusted for limits) $7,533

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 25170
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$2,700	01-May-2004	30-Aug-2004	0.3	$45	n/a	$45
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The approximate cost ($100 per incident) to maintain a record keeping system and report an incident. The Date Required is the date when the violation occurred first, and the Final Date is the date where the violations occurred last.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	NA						

Approx. Cost of Compliance: $2,700

TOTAL $45

Screening Date 05-Apr-2005 **Docket No.** 2005-0705-AIR-E **PCW**

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

Case ID No. 25170 *PCW Revision May 03, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and 101.201(c)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically, a final report was not submitted for Incident No. 40025 within 14 days (due June 4, 2004). Also failed to submit the initial reports within 24 hours for Incidents 39529 (due May 12, 2004, submitted May 13, 2004) and Incident 39788 (due May 18, 2004 by 11:20 AM, submitted May 18, 2004 at 2:44 PM) as documented by record reviews conducted on January 4, 2005 and February 7, 2005.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Most, but not all (at least 70%) of a rule is met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 3

mark only one / use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

Three single events (1 for each incident report) are recommended based on the file reviews conducted on January 4 and February 7, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $837

This violation Final Assessed Penalty (adjusted for limits) $837

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 25170
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$300	11-May-2004	20-May-2004	0.0	$0	n/a	$0
Notes for DELAYED costs	The approximate cost ($100 per incident) to maintain a record keeping system and report an incident. The Date Required is the date when the violation occurred first, and the Final Date is the date where the violations occurred last.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	NA						

Approx. Cost of Compliance $300

TOTAL $0

Screening Date 05-Apr-2005 **Docket No.** 2005-0705-AIR-E **PCW**

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

Case ID No. 25170 *PCW Revision May 03, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

Violation Number 3

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 116.110(a), 116.115(b)(2)(F), and 116.115(c); and Permit Nos. 9193A, PSD-TX-453M6, Maximum Allowable Emission Sources - Special Condition 2; 9195A, PSD-TX-453M6, Maximum Allowable Emission Rates Table - SC1; 54026, Maximum Allowable Emission Rates Table - SC1; 18936, PSD-TX-762M2, General Condition 8; and 49743, Maximum Allowable Emission Rates Table - SC 1
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	The respondent emitted into the atmosphere unauthorized air contaminants during 15 emission events. Since these emission events were avoidable, an affirmative defense as defined by 30 TAC § 101.222 may not be claimed for the emissions. See Attachment 1.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Emission above the permitted limit have exposed human health or the environment to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 12

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $30,000

Twelve single events are recommended based on the emission events between June 12, 2003 and August 30, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $457

Statutory Limit Test

Violation Final Penalty Total $83,700

This violation Final Assessed Penalty (adjusted for limits) $83,700

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 25170
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$7,500	12-Jun-2003	30-Aug-2004	1.2	$457	n/a	$457
Notes for DELAYED costs	Approximate cost to follow operational procedures to alleviate unauthorized emissions. The Date Required is the date when the violation occurred first, and the Final Date is the date when the violations occurred last.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	NA						

Approx. Cost of Compliance $7,500

TOTAL $457

Screening Date 05-Apr-2005 **Docket No.** 2005-0705-AIR-E **PCW**

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

Case ID No. 25170 *PCW Revision May 03, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

Violation Number 4

Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and 116.115(c); and Permit Nos. 9193A, PSD-TX-453M6, Maximum Allowable Emission Sources - SC2; 9195A, PSD-TX-453M6, Maximum Allowable Emission Sources - SC1; 49743, Maximum Allowable Emission Rates Table - SC1; and 54026, Maximum Allowable Emission Rates Table - SC1
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)
Violation Description	The respondent emitted into the atmosphere unauthorized air contaminants during 4 emission events. Since these emission events were avoidable, an affirmative defense as defined by 30 TAC § 101.222 may not be claimed for the emissions. See Attachment 2.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual		X	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Emission above the permitted limit have exposed human health or the environment to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 3

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $15,000

Three single events are recommended based on the emission events between June 12, 2003 and May 17, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $93

Statutory Limit Test

Violation Final Penalty Total $41,850

This violation Final Assessed Penalty (adjusted for limits) $30,000

Economic Benefit Worksheet

Respondent TOTAL Petrochemicals USA, Inc.
Case ID No. 25170
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	12-Jun-2003	17-May-2004	0.9	$93	n/a	$93
Notes for DELAYED costs	Approximate cost to follow operational procedures to alleviate unauthorized emissions. The Date Required is the date when the violation occurred first, and the Final Date is the date when the violations occurred last.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	NA						

Approx. Cost of Compliance $2,000

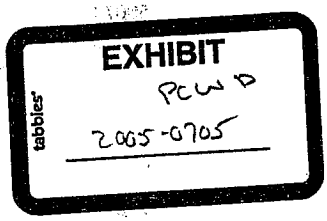
TOTAL $93

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 TOTAL Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.780

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 7.72

ID Number(s):



WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	WQ0000491000
WATER LICENSING	LICENSE	1230048
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
AIR NEW SOURCE PERMITS	REGISTRATION	70705
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70342
AIR NEW SOURCE PERMITS	REGISTRATION	70153
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43108
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	35738
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	29409
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	9194

AIR NEW SOURCE PERMITS	PERMIT	8983
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR OPERATING PERMITS	PERMIT	2222
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	54067
AIR NEW SOURCE PERMITS	PERMIT	N007
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	P688M1
AIR NEW SOURCE PERMITS	PERMIT	P762M1
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	P903
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	72108

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 01, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 12, 1999 to April 12, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Craig Fleming Phone: 239-5806

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? Yes

3. If Yes, who is the current owner? TOTAL Petrochemical USA, Inc.

4. If Yes, who was/were the prior owner(s)? ATOFINA Petrochemicals, Inc.

5. When did the change(s) in ownership occur? October 1, 2004

Components (Multimedia) for the Site :

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

1. Effective Date: 5/14/04 ADMINORDER 2002-0888-AIR-E
   Classification: Moderate
   Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
   30 TAC Chapter 113, SubChapter C 113.340
   30 TAC Chapter 115, SubChapter D 115.354(2)(C)
   40 CFR Part 60, Subpart GGG 60.592(a)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.
   Classification: Moderate
   Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
   30 TAC Chapter 101, SubChapter A 101.20(3)
   30 TAC Chapter 113, SubChapter C 113.340
   30 TAC Chapter 116, SubChapter B 116.115(c)
   40 CFR Part 60, Subpart GGG 60.592(a)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Citation: Not specified PERMIT
   SC2 PERMIT
   SC2B PERMIT
   SC3H PERMIT
   Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.
   Classification: Moderate
   Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
   30 TAC Chapter 113, SubChapter C 113.340
   30 TAC Chapter 116, SubChapter B 116.115(c)
   40 CFR Part 60, Subpart GGG 60.592(a)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Citation: SC2 PERMIT
   Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.
   Classification: Moderate
   Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
   30 TAC Chapter 113, SubChapter C 113.340
   40 CFR Part 60, Subpart GGG 60.592(a)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.
   Classification: Moderate
   Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Citation: SC4C PERMIT
   Description: Failure to perform stack sampling.
   Classification: Minor
   Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Citation: SC5 PERMIT
   Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.
   Classification: Moderate
   Citation: 30 TAC Chapter 113, SubChapter C 113.340
   30 TAC Chapter 115, SubChapter D 115.354(2)(C)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Description: Failure to monitor valves within the Reformer unit.

2. Effective Date: 7/21/02 ADMINORDER 2002-0148-AIR-E
   Classification: Moderate
   Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
   30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
   30 TAC Chapter 116, SubChapter B 116.115(c)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Citation: SC 1 PERMIT
   Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.
   Classification: Moderate
   Citation: 30 TAC Chapter 101, SubChapter A 101.6(c)
   5C THC Chapter 382, SubChapter A 382.085(b)
   Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks

after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

3. Effective Date: 1/8/05 ADMINORDER 2003-1481-AIR-E 3
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 20381, GC 8 & SC 1 PERMIT
PSD-TX-1005, GC 8 & SC 1 PERMIT
Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.
Classification: Moderate
Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 334, SubChapter B 334.21(b)
Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

4. Effective Date: 9/25/03 ADMINORDER 2003-0119-AIR-E 4
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC3 PERMIT
Description: Failure to sample cooling towers for volatile organic compounds.

5. Effective Date: 3/3/05 ADMINORDER 2004-0065-AIR-E 5
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: PSD-TX-453M6, Special Condition 1 PERMIT
Special Condition 1 PERMIT
Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur Dioxide and Hydrogen Sulfide on September 8-9, 2003.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 46396, Special Condition 1 PERMIT
Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 46396, SC 1 PERMIT
Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 46396, SC 4E PERMIT
Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 2 PERMIT
Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

6. Effective Date: 5/14/04 ADMINORDER 2002-1051-AIR-E 6
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 8 PERMIT
Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 1D PERMIT
Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
SC2 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.
Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Citation: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

7. Effective Date: 3/21/05 ADMINORDER 2003-1135-AIR-E
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 lb of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO2, 45.5 lbs of NOx, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Emitted into the atmosphere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

8. See addendum for information regarding federal actions.

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.)

2 11/15/2000 (105756)
4 11/15/2000 (105755)
6 04/24/2002 (IE0016486003003)
8 10/27/2000 (105754)
10 10/12/2000 (105753)
12 09/28/2000 (105752)
14 09/13/2000 (105751)
16 07/30/2002 (5633)
18 08/30/2000 (105750)
20 08/18/2000 (105749)
22 05/30/2003 (60547)
24 08/18/2000 (105748)
26 08/18/2000 (105747)
28 08/18/2000 (105746)
30 12/03/2002 (18034)
32 08/18/2000 (105745)
34 08/09/2000 (105744)
36 08/09/2000 (105743)
38 06/17/2004 (275130)
40 08/02/2000 (105742)
42 08/02/2000 (105741)
44 05/28/2003 (60762)
46 08/02/2000 (105740)
48 12/17/2004 (351947)
50 01/11/2005 (345742)
52 08/02/2000 (105739)
54 08/02/2000 (105738)
56 08/01/2000 (105737)
58 03/11/2005 (346656)
60 02/22/2000 (157184)
62 08/01/2000 (105736)
64 08/01/2000 (105735)

66	02/21/2001	(157185)
68	08/01/2000	(105734)
70	02/22/2002	(157186)
72	08/01/2000	(105733)
74	06/15/2004	(271209)
76	08/01/2000	(105732)
78	08/19/2003	(147506)
80	02/20/2003	(157187)
82	08/01/2000	(105731)
84	07/20/2000	(105730)
86	07/20/2000	(105729)
88	03/21/2001	(157188)
90	10/23/2002	(12544)
92	08/29/2003	(33657)
94	07/19/2000	(105728)
96	09/27/2004	(282656)
98	06/18/2000	(105727)
100	03/21/2002	(157189)
102	12/13/2002	(18670)
104	06/06/2000	(105726)
106	11/26/2002	(16327)
108	03/19/2003	(157190)
110	04/25/2003	(25379)
112	06/06/2000	(105725)
114	05/19/2000	(105724)
116	12/14/2004	(269700)
118	05/19/2000	(105723)
120	03/17/2000	(157191)
122	11/05/2002	(16050)
124	07/16/2003	(112393)
126	07/12/2004	(269851)
128	05/12/2000	(105722)
130	04/23/2002	(157192)
132	05/12/2000	(105721)
134	05/12/2000	(105720)
136	04/20/2000	(157193)
138	05/12/2000	(105719)
140	08/27/2000	(112628)
142	05/12/2000	(105718)
144	05/05/2000	(112627)
146	05/12/2000	(105717)
148	08/03/2000	(112626)
150	04/23/2001	(157194)
152	05/05/2000	(105716)
154	04/23/2002	(157195)
156	05/05/2000	(105715)
158	03/15/2000	(105714)
160	07/30/2002	(5734)
162	07/29/2004	(269691)
164	04/18/2003	(157196)
166	03/15/2000	(105713)
168	03/15/2000	(105712)
170	03/15/2000	(105711)
172	05/22/2000	(157197)
174	03/15/2000	(105710)
176	05/22/2001	(157198)
178	03/15/2000	(105709)
180	03/15/2000	(105708)
182	05/22/2002	(157199)
184	03/15/2000	(105707)
186	01/16/2004	(257106)
188	02/03/2000	(105706)
190	01/26/2000	(105705)
192	05/21/2003	(157200)
194	01/26/2000	(105704)
196	06/20/2000	(157201)
198	01/26/2000	(105703)
200	08/12/2002	(5088)
202	10/17/2003	(152374)
204	01/05/2000	(105702)
206	06/21/2001	(157202)
208	01/05/2000	(105701)
210	12/22/1999	(105700)
212	02/07/2003	(22079)
214	11/24/1999	(105699)
216	06/24/2002	(157203)

218	11/16/1999	(105698)
220	03/30/2004	(332764)
222	06/23/2003	(157204)
224	10/28/1999	(105697)
226	09/17/1999	(105696)
228	01/14/2004	(259132)
230	07/21/2000	(157205)
232	12/15/2003	(252528)
234	08/31/2001	(157206)
236	07/22/2002	(157207)
238	02/25/2004	(263664)
240	01/21/2003	(20714)
242	11/12/2004	(291212)
244	07/21/2003	(157208)
246	08/16/2004	(281567)
248	03/11/2005	(350459)
250	08/21/2000	(157209)
252	08/31/2001	(157210)
254	05/25/2004	(271847)
256	11/29/2004	(337787)
258	08/21/2002	(157211)
260	10/24/2002	(12480)
262	02/18/2004	(262253)
264	09/21/2000	(157212)
266	09/20/2001	(157213)
268	11/22/2002	(5078)
270	05/08/2003	(33263)
272	09/23/2002	(157214)
274	10/23/2000	(157215)
276	08/17/2004	(280413)
278	10/24/2001	(157216)
280	06/17/2004	(273769)
282	04/23/2004	(264889)
284	10/18/2002	(157217)
286	08/21/2003	(147314)
288	10/21/1999	(157218)
290	11/22/2000	(157219)
292	02/23/2004	(295004)
294	07/30/2002	(5973)
296	04/22/1999	(295005)
298	08/09/2002	(5238)
300	03/22/2004	(295006)
302	11/19/2001	(157220)
304	04/19/2004	(295007)
306	11/21/2002	(157221)
308	04/22/1999	(295008)
310	11/22/1999	(157222)
312	08/29/2002	(3801)
314	04/28/2004	(269294)
316	05/21/2004	(295009)
318	06/23/2004	(269696)
320	12/21/2000	(157223)
322	07/20/2001	(105795)
324	01/11/2005	(286852)
326	05/21/1999	(295010)
328	11/10/2003	(140784)
330	07/20/2001	(105794)
332	07/20/2001	(105793)
334	06/22/2004	(295011)
336	01/28/2003	(22061)
338	08/31/2004	(280247)
340	07/20/2001	(105792)
342	06/21/1999	(295012)
344	12/21/2001	(157224)
346	07/19/2001	(105791)
348	12/07/2004	(341531)
350	07/21/2004	(295013)
352	07/19/2001	(105790)
354	12/20/2002	(157225)
356	07/19/2001	(105789)
358	07/21/1999	(295014)
360	07/19/2001	(105788)
362	12/20/1999	(157226)
364	08/31/2004	(285080)
366	07/19/2001	(105787)
368	08/21/2003	(295015)

370 07/19/2001 (105786)
372 08/23/1999 (295016)
374 01/22/2001 (157227)
376 03/29/2005 (372850)
378 07/19/2001 (105785)
380 09/22/2003 (295017)
382 01/22/2002 (157228)
384 08/23/1999 (295018)
386 01/21/2003 (157229)
388 06/28/2001 (105784)
390 10/21/2003 (295019)
392 08/29/2003 (31893)
394 06/01/2001 (105783)
396 11/21/2003 (295020)
398 05/25/2001 (105782)
400 01/21/2000 (157230)
402 01/07/2004 (251647)
404 08/17/2004 (286899)
406 03/30/2001 (105781)
408 12/22/2003 (295021)
410 03/29/2001 (105780)
412 01/21/2004 (295022)
414 03/08/2001 (105779)
416 03/01/2001 (105778)
418 03/01/2001 (105777)
420 02/23/2001 (105776)
422 03/18/2004 (259900)
424 02/23/2001 (105775)
426 02/23/2001 (105774)
428 03/11/2005 (348120)
430 02/23/2001 (105773)
432 08/23/2004 (351943)
434 02/23/2001 (105772)
436 02/23/2001 (105771)
438 02/23/2001 (105770)
440 01/11/2005 (345734)
442 02/23/2001 (105769)
444 12/17/2003 (253859)
446 09/21/2004 (351944)
448 02/14/2001 (105768)
450 04/08/2004 (265693)
452 01/26/2001 (105767)
454 12/22/2000 (105766)
456 12/21/2000 (105765)
458 12/21/2000 (105764)
460 12/07/2000 (105763)
462 10/21/2004 (351945)
464 12/07/2000 (105762)
466 11/22/2000 (105761)
468 11/16/2000 (105760)
470 03/05/2004 (258714)
472 11/16/2000 (105759)
474 08/17/2004 (283908)
476 01/11/2005 (345047)
478 11/16/2000 (105758)
480 11/18/2004 (351946)
482 11/16/2000 (105757)
484 02/03/2005 (345893)

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

1. Date: 03/29/2005 (372850)
   Self Report? NO Classification: Minor
   Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]
   Description: Failure to have a monitoring plan.
   Self Report? NO Classification: Minor
   Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]
   Description: Failure to maintain vent on ground storage tank.
2. Date: 03/30/2004 (332764)
   Self Report? NO Classification: Moderate
   Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
   30 TAC Chapter 305, SubChapter F 305.125(17)
   Description: NON-RPT VIOS FOR MONIT PER OR PIPE
3. Date: 04/26/2004 (264889)
   Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.

4. Date: 10/31/2000 (157219)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

5. Date: 03/31/2004 (295007)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

6. Date: 11/30/2000 (157223)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

1. Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Violation Classification: Moderate
Citation: 30 TAC Chapter 101, Subchapter A
40 CFR Chapter 61, Subchapter C, PT 61, SubPT FF
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES						
Assigned	30-Jan-2007					
PCW	4-Nov-2007	Screening	5-Feb-2007	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32543	No. of Violations	1
Docket No.	2007-0172-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	EnforcementTeam 4

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

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 185% Enhancement — *Subtotals 2, 3, & 7*: $9,250

Notes: The penalty is enhanced because the respondent received nine NOVs for non-similar violations, seven agreed final enforcement orders containing a denial of liability, one order without denial of liability, submitted one letter notifying the Executive Director of an intended audit, and submitted one Disclosure.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

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

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$61
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $14,250

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment*: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $14,250

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $14,250

DEFERRAL — 0% Reduction — *Adjustment*: $0

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

Notes: Deferral not offered for non-expedited settlement

PAYABLE PENALTY: $14,250

EXHIBIT

tabbies

PCW-E

Screening Date 5-Feb-2007 **Docket No.** 2007-0172-AIR-E **PCW**

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

Case ID No. 32543 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

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*)	0	0%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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*)	1	30%
	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*)	1	-2%

		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) 185%

>> 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

The penalty is enhanced because the respondent received nine NOVs for non-similar violations, seven agreed final enforcement orders containing a denial of liability, one order without denial of liability, submitted one letter notifying the Executive Director of an intended audit, and submitted one Disclosure.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 185%

Screening Date 5-Feb-2007 **Docket No.** 2007-0172-AIR-E **PCW**

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

Case ID No. 32543 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator J. Craig Fleming

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.145(2)(A), 122.146(1), and 122.165(b), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit 0-02222

Violation Description Failed to report the occurrence of deviations in a Semiannual Deviation Report ("SDR"), failed to submit an Annual Compliance Certification ("ACC"), and failed to properly certify a SDR. Specifically, the respondent failed to properly certify their SDR for the period of May 14, 2005 to November 13, 2005, failed to report a deviation in the November 14, 2005 to May 14, 2006 SDR, and failed to submit an ACC for the period of May 14, 2005 to May 14, 2006.

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 25%

Matrix Notes: The respondent failed to comply with 100% of the rules.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2 | 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $61

Statutory Limit Test

Violation Final Penalty Total $14,250

This violation Final Assessed Penalty (adjusted for limits) $14,250

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 32543
Reg. Ent. Reference No. RN102457520
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System	$1,000	13-Jun-2006	1-Sep-2007	1.2	$61	n/a	$61
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to prepare and submit the annual compliance certification and corrected semi-annual deviation reports. The Date Required was the date the first report was due. The Final Date is the date the Respondent is expected to have submitted all of the corrected/missing reports.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	NA						

Approx. Cost of Compliance: $1,000

TOTAL $61

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 3.04

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 11.7

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6

EXHIBIT
PLW E
2007-0172
tables

AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WATER LICENSING	LICENSE	1230048
WASTEWATER LICENSING	LICENSE	WQ0000491000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 23, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 23, 2002 to January 23, 2007

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

Name: J. Craig Fleming Phone: (512) 239-5806

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.

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Description: Failure to monitor valves within the Reformer unit.

2 Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E

2

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT
Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

3 Effective Date: 01/08/2005 ADMINORDER 2003-1481-AIR-E

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

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

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

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

4 Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

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

5 Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on

September 8-9, 2003.

Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

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

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

Rqmt Prov: 46396, Special Condition 1 PERMIT
Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

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

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

Rqmt Prov: 46396, SC 1 PERMIT
Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT
Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

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

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

Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 2 PERMIT
Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Classification: Moderate

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

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

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT

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

7 Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E

Classification: Major

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

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

Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

See addendum for information regarding federal actions.

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 04/24/2002 (IE0016486003003)

2 07/30/2002 (5633)
3 05/30/2003 (60547)
4 12/03/2002 (18034)
5 09/19/2005 (440744)
6 06/17/2004 (275130)
7 12/29/2006 (431565)
8 06/27/2005 (394004)
9 05/28/2003 (60762)
10 12/17/2004 (351947)
11 01/11/2005 (345742)
12 08/08/2005 (400586)
13 08/10/2005 (398204)
14 08/08/2005 (400578)
15 08/08/2005 (395607)
16 01/24/2006 (452104)
17 03/11/2005 (346656)
18 11/15/2005 (405196)
19 12/28/2006 (335708)
20 02/22/2002 (157186)
21 02/21/2005 (381768)
22 06/15/2004 (271209)
23 05/12/2006 (463148)
24 08/19/2003 (147506)

25	02/20/2003	(157187)
26	03/17/2005	(381769)
27	01/21/2005	(381770)
28	05/12/2006	(451451)
29	10/23/2002	(12544)
30	08/29/2003	(33657)
31	09/27/2004	(282656)
32	03/21/2002	(157189)
33	12/13/2002	(18670)
34	11/18/2005	(435866)
35	11/26/2002	(16327)
36	07/08/2005	(380986)
37	03/19/2003	(157190)
38	04/25/2003	(25379)
39	05/11/2006	(461924)
40	06/14/2006	(480809)
41	08/15/2005	(404442)
42	07/18/2005	(398333)
43	12/14/2004	(269700)
44	11/18/2005	(435774)
45	02/24/2006	(452413)
46	08/14/2005	(402622)
47	11/05/2002	(16050)
48	07/16/2003	(112393)
49	07/12/2004	(269851)
50	04/21/2006	(498089)
51	04/23/2002	(157192)
52	11/04/2005	(431104)
53	05/11/2006	(463343)
54	05/22/2006	(498090)
55	06/22/2006	(498091)
56	11/15/2005	(436413)
57	02/13/2006	(450178)
58	04/23/2002	(157195)
59	01/19/2006	(440180)
60	07/30/2002	(5734)
61	06/28/2006	(465850)
62	07/29/2004	(269691)
63	04/18/2003	(157196)
64	04/10/2006	(454251)
65	04/28/2006	(462859)
66	08/31/2005	(340674)
67	07/25/2006	(482058)
68	05/22/2002	(157199)
69	05/11/2006	(465492)
70	01/16/2004	(257106)
71	05/21/2003	(157200)
72	05/11/2006	(465525)
73	12/12/2005	(404612)
74	06/21/2005	(393771)
75	08/12/2002	(5088)
76	10/17/2003	(152374)
77	07/18/2005	(396246)
78	02/07/2006	(453479)
79	01/18/2007	(532164)
80	02/07/2003	(22079)
81	12/07/2005	(435751)
82	06/24/2002	(157203)
83	03/30/2004	(332764)
84	06/23/2003	(157204)
85	05/11/2006	(464460)
86	01/14/2004	(259132)
87	12/15/2003	(252528)

88	07/22/2002	(157207)
89	05/12/2006	(454148)
90	02/25/2004	(263664)
91	01/21/2003	(20714)
92	11/12/2004	(291212)
93	08/31/2006	(460545)
94	07/21/2003	(157208)
95	08/16/2004	(281567)
96	03/11/2005	(350459)
97	05/12/2006	(454494)
98	05/25/2004	(271847)
99	11/29/2004	(337787)
100	08/21/2002	(157211)
101	10/24/2002	(12480)
102	02/18/2004	(262253)
103	01/12/2007	(531450)
104	08/15/2005	(399684)
105	05/11/2006	(464168)
106	11/04/2005	(436336)
107	11/15/2005	(435255)
108	11/22/2002	(5078)
109	05/08/2003	(33263)
110	09/23/2002	(157214)
111	08/17/2004	(280413)
112	06/17/2004	(273769)
113	06/27/2005	(375095)
114	08/31/2005	(402164)
115	04/23/2004	(264889)
116	04/27/2005	(345893)
117	10/18/2002	(157217)
118	08/21/2003	(147314)
119	02/23/2004	(295004)
120	07/30/2002	(5973)
121	08/09/2002	(5238)
122	03/22/2004	(295006)
123	11/15/2005	(436155)
124	04/19/2004	(295007)
125	09/22/2006	(510639)
126	11/21/2002	(157221)
127	08/29/2002	(3801)
128	04/28/2004	(269294)
129	05/21/2004	(295009)
130	01/18/2006	(449944)
131	06/23/2004	(269696)
132	01/11/2005	(286852)
133	11/10/2003	(140784)
134	06/22/2004	(295011)
135	01/28/2003	(22061)
136	08/31/2004	(280247)
137	07/21/2006	(520109)
138	12/07/2004	(341531)
139	07/21/2004	(295013)
140	12/20/2002	(157225)
141	04/18/2006	(455136)
142	08/31/2004	(285080)
143	08/23/2006	(520110)
144	08/21/2003	(295015)
145	09/19/2006	(520111)
146	03/29/2005	(372850)
147	02/13/2006	(450341)
148	11/15/2006	(517804)
149	09/22/2003	(295017)
150	04/22/2005	(419600)

151 06/15/2005 (394699)
152 02/06/2006 (437341)
153 05/19/2005 (419601)
154 01/21/2003 (157229)
155 10/21/2003 (295019)
156 08/29/2003 (31893)
157 06/21/2005 (419602)
158 11/21/2003 (295020)
159 02/15/2006 (454193)
160 01/07/2004 (251647)
161 05/11/2006 (464473)
162 08/17/2004 (286899)
163 12/22/2003 (295021)
164 05/30/2006 (461199)
165 01/21/2004 (295022)
166 02/21/2006 (468270)
167 05/22/2006 (464542)
168 07/12/2005 (379108)
169 02/07/2006 (450128)
170 03/18/2004 (259900)
171 07/13/2005 (395545)
172 06/17/2005 (380022)
173 08/15/2005 (403311)
174 11/04/2005 (435646)
175 03/21/2006 (468271)
176 03/11/2005 (348120)
177 06/16/2005 (395449)
178 02/24/2006 (450992)
179 08/23/2004 (351943)
180 08/14/2005 (400928)
181 10/21/2005 (468272)
182 01/11/2005 (345734)
183 11/21/2005 (468273)
184 12/17/2003 (253859)
185 06/17/2005 (395181)
186 09/21/2004 (351944)
187 12/15/2005 (468274)
188 05/11/2006 (464467)
189 04/08/2004 (265693)
190 11/18/2005 (435804)
191 01/23/2006 (468275)
192 11/15/2005 (434630)
193 10/21/2004 (351945)
194 01/19/2006 (439503)
195 07/27/2006 (485194)
196 08/15/2005 (371587)
197 07/21/2005 (440742)
198 03/05/2004 (258714)
199 08/17/2004 (283908)
200 05/11/2006 (465518)
201 01/11/2005 (345047)
202 08/19/2005 (440743)
203 05/11/2006 (465489)
204 11/18/2004 (351946)
205 11/18/2005 (435798)

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

1 Date: 03/29/2005 (372850)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]
Description: Failure to have a monitoring plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

•Description: Failure to maintain vent on ground storage tank.

2 Date: 04/10/2006 (454251)
Self Report? NO Classification:
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: PERMIT IA
Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

3 Date: 05/31/2006 (461199)
Self Report? NO Classification:
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: The facility failed to update the notice of registration
Self Report? NO Classification:
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.
Self Report? NO Classification:
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

4 Date: 03/30/2004 (332764)
Self Report? NO Classification:
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

5 Date: 04/26/2004 (264889)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.
Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

6 Date: 03/31/2004 (295007)

Self Report? YES Classification:

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

TWC Chapter 26 26.121(a)[G]

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

7 Date: 06/30/2006 (520109)

Self Report? YES Classification:

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

TWC Chapter 26 26.121(a)[G]

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

8 Date: 01/31/2006 (468270)

Self Report? YES Classification:

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

TWC Chapter 26 26.121(a)[G]

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

9 Date: 11/30/2005 (468274)

Self Report? YES Classification:

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

TWC Chapter 26 26.121(a)[G]

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

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)

Disclosure Date: 04/10/2003

Violation Classification: Moderate

Citation: 30 TAC Chapter 101, Subchapter A
40 CFR Chapter 61, Subchapter C, PT 61, Subchapter PF FF

Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

TCEQ

DATES						
Assigned	26-Mar-2007					
PCW	13-Nov-2007	Screening	3-Apr-2007	EPA Due	21-Dec-2007	

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	33282	No. of Violations	1
Docket No.	2007-0653-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Miriam Hall
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 189% Enhancement — *Subtotals 2, 3, & 7*: $9,450

Notes: Compliance history enhancement due to 10 non-similar NOV's, seven 1660-style agreed orders, one EPA order with denial of liability and a reduction due to one notice of audit.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

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

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$121
Approx. Cost of Compliance	$2,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $14,450

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment*: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $14,450

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $10,000

DEFERRAL — 0% Reduction — *Adjustment*: $0

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

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY: $10,000

EXHIBIT
tabbies
PCW-F

Screening Date 3-Apr-2007 **Docket No.** 2007-0653-AIR-E **PCW**

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33282

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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*)	1	30%
	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*)	1	-2%

		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) 189%

>> 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

Compliance history enhancement due to 10 non-similar NOV's, seven 1660-style agreed orders, one EPA order with denial of liability and a reduction due to one notice of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 189%

Screening Date 3-Apr-2007 **Docket No.** 2007-0653-AIR-E **PCW**

Policy Revision 2 (September 2002)

Respondent Total Petrochemicals USA, Inc.

PCW Revision December 8, 2006

Case ID No. 33282

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 116.115(b)(2)(F), Air Permit No. 54026, Special Condition No. 1 and General Condition No. 8 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 99.28 pounds ("lbs") of hydrogen sulfide and 9,078.06 lbs of sulfur dioxide released from Unit 835. The permitted limits for hydrogen sulfide and sulfur dioxide are 0.12 pounds per hour ("lbs/hr") and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006 and lasted for 5 hours and 14 minutes. Since the emissions event could have been avoided by better operational and maintenance practices, Total Petrochemicals failed to meet the demonstrations 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 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment 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 the violation.

Adjustment $5,000

$5,000

Violation Events

Number of 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 $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $121

Statutory Limit Test

Violation Final Penalty Total $14,450

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 33282
Reg. Ent. Reference No. RN102457520
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	17-Jul-2006	30-Sep-2007	1.2	$121	n/a	$121
Notes for DELAYED costs	Estimated cost for additional oversight to ensure an adequate cooling system reserve capacity is maintained to handle variations in feed rate and composition to the Debutanizer column. Date required is the date of the emissions event. Final Date is the date the respondent is expected to come into compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,000

TOTAL $121

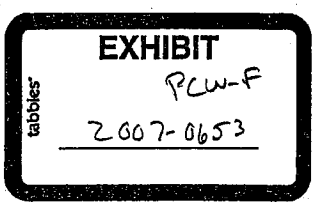
Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 3.04

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 11.71

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385



AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 13, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 06, 2002 to April 06, 2007

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E 1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E 2

Classification: Moderate

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

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

Effective Date: 05/14/2004 ADMINORDER 2002-0888-AIR-E 3

Classification: Moderate

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

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the

facility during the second quarter 2001.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E 4

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air

contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005 ADMINORDER 2003-1481-AIR-E 5

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 1 PERMIT
Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

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

Rqmt Prov: 46396, SC 1 PERMIT
Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT
Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT
Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Emitted into the atmosphere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

See addendum for information regarding federal actions.

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 04/23/2002 (157192)
2 04/23/2002 (157195)
3 04/24/2002 (IE0016486003003
4 05/22/2002 (157199)
5 06/24/2002 (157203)
6 07/22/2002 (157207)
7 07/30/2002 (5633)
8 07/30/2002 (5734)
9 07/30/2002 (5973)
10 08/09/2002 (5238)
11 08/12/2002 (5088)
12 08/21/2002 (157211)
13 08/29/2002 (3801)
14 09/23/2002 (157214)
15 10/18/2002 (157217)
16 10/23/2002 (12544)
17 10/24/2002 (12480)
18 11/05/2002 (16050)
19 11/21/2002 (157221)
20 11/22/2002 (5078)
21 11/26/2002 (16327)
22 12/03/2002 (18034)
23 12/13/2002 (18670)
24 12/20/2002 (157225)
25 01/21/2003 (20714)
26 01/21/2003 (157229)
27 01/28/2003 (22061)
28 02/07/2003 (22079)
29 02/20/2003 (157187)
30 03/19/2003 (157190)
31 04/18/2003 (157196)
32 04/25/2003 (25379)
33 05/08/2003 (33263)
34 05/21/2003 (157200)
35 05/28/2003 (60762)
36 05/30/2003 (60547)
37 06/23/2003 (157204)
38 07/16/2003 (112393)
39 07/21/2003 (157208)
40 08/19/2003 (147506)
41 08/21/2003 (147314)
42 08/21/2003 (295015)
43 08/29/2003 (33657)
44 08/29/2003 (31893)
45 09/22/2003 (295017)
46 10/17/2003 (152374)
47 10/21/2003 (295019)
48 11/10/2003 (140784)
49 11/21/2003 (295020)
50 12/15/2003 (252528)
51 12/17/2003 (253859)
52 12/22/2003 (295021)
53 01/07/2004 (251647)
54 01/14/2004 (259132)

55	01/16/2004	(257106)
56	01/21/2004	(295022)
57	02/18/2004	(262253)
58	02/23/2004	(295004)
59	02/25/2004	(263664)
60	03/05/2004	(258714)
61	03/18/2004	(259900)
62	03/22/2004	(295006)
63	03/30/2004	(332764)
64	04/08/2004	(265693)
65	04/19/2004	(295007)
66	04/23/2004	(264889)
67	04/28/2004	(269294)
68	05/21/2004	(295009)
69	05/25/2004	(271847)
70	06/15/2004	(271209)
71	06/17/2004	(275130)
72	06/17/2004	(273769)
73	06/22/2004	(295011)
74	06/23/2004	(269696)
75	07/12/2004	(269851)
76	07/21/2004	(295013)
77	07/29/2004	(269691)
78	08/16/2004	(281567)
79	08/17/2004	(280413)
80	08/17/2004	(286899)
81	08/17/2004	(283908)
82	08/23/2004	(351943)
83	08/31/2004	(280247)
84	08/31/2004	(285080)
85	09/21/2004	(351944)
86	09/27/2004	(282656)
87	10/21/2004	(351945)
88	11/12/2004	(291212)
89	11/18/2004	(351946)
90	11/29/2004	(337787)
91	12/07/2004	(341531)
92	12/14/2004	(269700)
93	12/17/2004	(351947)
94	01/11/2005	(345742)
95	01/11/2005	(286852)
96	01/11/2005	(345734)
97	01/11/2005	(345047)
98	01/21/2005	(381770)
99	02/21/2005	(381768)
100	03/11/2005	(346656)
101	03/11/2005	(350459)
102	03/11/2005	(348120)
103	03/17/2005	(381769)
104	03/29/2005	(372850)
105	04/22/2005	(419600)
106	04/27/2005	(345893)
107	05/19/2005	(419601)
108	06/15/2005	(394699)
109	06/16/2005	(395449)
110	06/17/2005	(380022)
111	06/17/2005	(395181)
112	06/21/2005	(393771)
113	06/21/2005	(419602)
114	06/27/2005	(394004)
115	06/27/2005	(375095)
116	07/08/2005	(380986)
117	07/12/2005	(379108)
118	07/13/2005	(395545)
119	07/18/2005	(398333)
120	07/18/2005	(396246)
121	07/21/2005	(440742)
122	08/08/2005	(400586)

123	08/08/2005	(400578)
124	08/08/2005	(395607)
125	08/10/2005	(398204)
126	08/14/2005	(402622)
127	08/14/2005	(400928)
128	08/15/2005	(404442)
129	08/15/2005	(399684)
130	08/15/2005	(403311)
131	08/15/2005	(371587)
132	08/19/2005	(440743)
133	08/31/2005	(340674)
134	08/31/2005	(402164)
135	09/19/2005	(440744)
136	10/21/2005	(468272)
137	11/04/2005	(431104)
138	11/04/2005	(436336)
139	11/04/2005	(435646)
140	11/15/2005	(405196)
141	11/15/2005	(436413)
142	11/15/2005	(435255)
143	11/15/2005	(436155)
144	11/15/2005	(434630)
145	11/18/2005	(435866)
146	11/18/2005	(435774)
147	11/18/2005	(435804)
148	11/18/2005	(435798)
149	11/21/2005	(468273)
150	12/07/2005	(435751)
151	12/12/2005	(404612)
152	12/15/2005	(468274)
153	01/18/2006	(449944)
154	01/19/2006	(440180)
155	01/19/2006	(439503)
156	01/23/2006	(468275)
157	01/24/2006	(452104)
158	02/06/2006	(437341)
159	02/07/2006	(453479)
160	02/07/2006	(450128)
161	02/13/2006	(450178)
162	02/13/2006	(450341)
163	02/15/2006	(454193)
164	02/21/2006	(468270)
165	02/24/2006	(452413)
166	02/24/2006	(450992)
167	03/21/2006	(468271)
168	04/10/2006	(454251)
169	04/18/2006	(455136)
170	04/21/2006	(498089)
171	04/28/2006	(462859)
172	05/11/2006	(461924)
173	05/11/2006	(463343)
174	05/11/2006	(465492)
175	05/11/2006	(465525)
176	05/11/2006	(464460)
177	05/11/2006	(464168)
178	05/11/2006	(464473)
179	05/11/2006	(464467)
180	05/11/2006	(465518)
181	05/11/2006	(465489)
182	05/12/2006	(463148)
183	05/12/2006	(451451)
184	05/12/2006	(454148)
185	05/12/2006	(454494)
186	05/22/2006	(498090)
187	05/22/2006	(464542)
188	05/30/2006	(461199)
189	06/14/2006	(480809)
190	06/22/2006	(498091)

191 06/28/2006 (465850)
192 07/21/2006 (520109)
193 07/25/2006 (482058)
194 07/27/2006 (485194)
195 08/23/2006 (520110)
196 08/31/2006 (460545)
197 09/19/2006 (520111)
198 09/22/2006 (510639)
199 10/20/2006 (544367)
200 11/15/2006 (517804)
201 11/22/2006 (544368)
202 12/21/2006 (544369)
203 12/28/2006 (335708)
204 12/29/2006 (431565)
205 01/12/2007 (531450)
206 01/18/2007 (532164)
207 01/23/2007 (544370)
208 01/29/2007 (531801)
209 02/01/2007 (538715)
210 02/01/2007 (537518)
211 02/02/2007 (497612)
212 02/05/2007 (466788)
213 02/14/2007 (539270)
214 02/14/2007 (540328)
215 02/21/2007 (575101)
216 02/23/2007 (540617)
217 03/19/2007 (538927)
218 03/20/2007 (575102)

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

1 Date: 03/30/2004 (332764)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

2 Date: 03/31/2004 (295007)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 04/26/2004 (264889)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter

was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

4 Date: 03/29/2005 (372850)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure to have a monitoring plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to maintain vent on ground storage tank.

5 Date: 11/30/2005 (468274)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

6 Date: 01/31/2006 (468270)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

7 Date: 04/10/2006 (454251)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: PERMIT PC, 2g
Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT Opr, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

8 Date: 05/31/2006 (461199)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: The facility failed to update the notice of registration
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

9 Date: 06/30/2006 (520109)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

10 Date: 12/31/2006 (544370)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

11 Date: 03/31/2007 (575103)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF

Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA INC	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE: RCRA	SECT. OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT: 34
CASE RESULT:	Final Order With Penalty	PROGRAM:	Hazardous Waste Management- C-T
		VIOLATION TYPE:	RCRA Permit Evader

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

DATES

PCW	Screening	Priority Due	EPA Due
25-Oct-2007	15-Apr-2004	14-Jun-2004	30-Nov-2004

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Additional ID No(s).	Air Account No. JE-0005-H		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	15636	No. of Violations	6
Docket No.	2004-0702-AIR-E	Order Type	1660 without deferral
Case Priority	2 (SNC/HPV)	Enf. Coordinator	Miriam Hall
Media Program(s)	Air Quality	EC's Team	Enforcement Team 5
Multi-Media			
Admin. Penalty $ Limit	Minimum $0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $15,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 87% Enhancement — *Subtotals 2, 3, & 7* $13,572

Notes: The penalty was enhanced for (4) 1660 orders, Docket Nos. 2002-0148-AIR-E, 2002-0888-AIR-E, 2003-0119-AIR-E, 2002-1051-AIR-E and (5) NOVs for unrelated violations. The penalty was reduced for one Notice of Audit and one Disclosure of Violations.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

Notes: These are past events with no opportunity for future compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$330
Approx. Cost of Compliance	$425

SUM OF SUBTOTALS 1-7 — Final Subtotal $29,172

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes: N/A

Final Penalty Amount $29,172

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty $29,172

DEFERRAL — Reduction — Adjustment $0

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

Notes: This is not an expedited order.

PAYABLE PENALTY $29,172

EXHIBIT

tabbies

PCW-G

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 15636

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Site Address 7600 32nd St, Port Arthur, Jefferson Co.

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)*	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	4	80%
	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	0	0%
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*	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)*	1	-2%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	0	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	0	0%
	Participation in a voluntary pollution reduction program	0	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	0	0%

Adjustment Percentage (Subtotal 2) **87%**

>> 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

The penalty was enhanced for (4) 1660 orders, Docket Nos. 2002-0148-AIR-E, 2002-0888-AIR-E, 2003-0119-AIR-E, 2002-1051-AIR-E and (5) NOVs for unrelated violations. The penalty was reduced for one Notice of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **87%**

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E **PCW**

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

Case ID No. 15636 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 101.201(b)(8)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to properly report three emissions events which began on December 9, 2003 at 6:25 p.m. from the Sulfur Recovery Unit (SRU) 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hours after the discovery of the incidents. In addition, the report for SRU 1, listed an incorrect air permit number for the SRU and North Flare.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More then 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 3

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

One single event for each report (3) is recommended as documented during the investigation conducted on December 10, 2003, January 7, 2004, and February 18, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $561

This violation Final Assessed Penalty (adjusted for limits) $561

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 15636
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE-0005-H
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$75	10-Dec-2003	24-Dec-2003	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated costs for preparing and submitting three reports. The begin date is the date the first report was required, and the end date is the date the reports were submitted.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $75

TOTAL $0

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 15636

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(8)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to properly report two emissions events which began on December 9, 2003 at the North and South Flares. The reports for both flares had incorrect air permit numbers on them.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% or the reporting requirements were met for each report.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

One single event for each report (2) is recommended as documented during the investigation conducted on December 10, 2003, January 7, 2004, and February 18, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $374

This violation Final Assessed Penalty (adjusted for limits) $374

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 15636
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE-0005-H
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$25	10-Dec-2003	24-Dec-2003	0.0	$0	$25	$25
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight. The begin date is when the initial report was made and the end date is the date of the final report.						

Approx. Cost of Compliance $25

TOTAL $25

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E **PCW**

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

Case ID No. 15636 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 3

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 111.111(a)(4)(A)(i), 116.115(c), Permit Nos. 9195A/PSD-TX-453M6 Special Condition (SC) 1, 54026 SC 1 and 5
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003 through December 14, 2003. See Chart 1.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
OR Actual		x	
Potential			

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended so that the penalty is commensurate with the situation as documented during the investigation conducted on December 10, 2003, January 7, 2004, and February 18, 2004. Although different emission points and days are involved, all emissions ultimately resulted from a power outage on December 9, 2003.

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

Estimated EB Amount $105 **Violation Final Penalty Total** $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 15636
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE-0005-H
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$100	09-Dec-2003	24-Dec-2004	1.0	$5	$100	$105
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of oversight calculated from the date the emission event started to the date the final report was submitted.						

Approx. Cost of Compliance $100

TOTAL $105

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 15636

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 101.201(b)(10)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to properly report an emissions event that occurred at the Area 1 Naphtha Aromatics Complex (NAC) which began on November 9, 2003. The event was not reported within 24 hours, and the cause of the event was not complete in the report.

Base Penalty $10,000

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

	Harm			
Release	Major	Moderate	Minor	
Actual				
Potential				

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More then 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One event was documented during the investigation conducted on April 7-13, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 15636
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE-0005-H
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$25	09-Nov-2003	10-Nov-2003	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated costs for preparing and submitting the reports. The begin date is the date the event occurred and the end date is the date the report were submitted. (Report was submitted 26:30 hours after the event started and 27:30 hours after it ended.)						

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $25

TOTAL $0

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 15636

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit Nos. 54026 SC 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 pounds/hr (lbs/hr) for sulfur dioxide (SO_2), and nitrogen oxides, respectively. During the incident, the South Flare released 6,785.7 lbs of SO_2, and 169 lbs of nitrogen oxide. (The flare also released 337.3 lbs of volatile organic compounds benzene, toluene, and xylene.)

Base Penalty $10,000

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

	Harm			
Release	Major	Moderate	Minor	
OR Actual		x		
Potential				

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One event was documented during the investigation conducted on April 7-13, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 15636
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE-0005-H
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$100	09-Nov-2003	10-Nov-2003	0.0	$0	$100	$100
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight. The begin date is when the event started, and the end date is when the event ended.						

Approx. Cost of Compliance $100

TOTAL $100

Screening Date 15-Apr-2004 **Docket No.** 2004-0702-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 15636

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE-0005-H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit Nos. 54026 SC 1 and 9195A/PSD-TX-453M6 SC 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to prevent an unauthorized emissions release from the Shell Claus Offgas Treater (SCOT) Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO_2 and H_2S, respectively. During an 8.5 hour period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO_2 and 100 lbs of H_2S. The North Flare has an emission limit of 10.66 lbs/hr for SO_2. During the incident, the flare released 1,212 lbs of SO_2 over a 1.8 hour period.

Base Penalty $10,000

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

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One event was documented during the investigation conducted on April 7-13, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 15636
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE-0005-H
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$100	16-Oct-2003	16-Oct-2003	0.0	$0	$100	$100
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost for additional oversight on the day the event occurred.						

Approx. Cost of Compliance $100

TOTAL $100

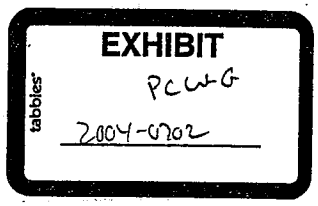
Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.70

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 3.51

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385



AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 17, 1999 to June 17, 2004

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfide (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b).
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

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

Classification: Moderate

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

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the

facility during the second quarter 2001.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E 4

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air

contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 06/21/1999 (295012)
2 07/21/1999 (295014)
3 08/23/1999 (295016)
4 08/23/1999 (295018)
5 09/17/1999 (105696)
6 10/21/1999 (157218)
7 10/28/1999 (105697)
8 11/16/1999 (105698)
9 11/22/1999 (157222)
10 11/24/1999 (105699)
11 12/20/1999 (157226)
12 12/22/1999 (105700)
13 01/05/2000 (105702)
14 01/05/2000 (105701)
15 01/21/2000 (157230)
16 01/26/2000 (105705)
17 01/26/2000 (105704)
18 01/26/2000 (105703)
19 02/03/2000 (105706)
20 02/22/2000 (157184)
21 03/15/2000 (105714)
22 03/15/2000 (105713)

23	03/15/2000	(105712)
24	03/15/2000	(105711)
25	03/15/2000	(105710)
26	03/15/2000	(105709)
27	03/15/2000	(105708)
28	03/15/2000	(105707)
29	03/17/2000	(157191)
30	04/20/2000	(157193)
31	05/05/2000	(112627)
32	05/05/2000	(105716)
33	05/05/2000	(105715)
34	05/12/2000	(105722)
35	05/12/2000	(105721)
36	05/12/2000	(105720)
37	05/12/2000	(105719)
38	05/12/2000	(105718)
39	05/12/2000	(105717)
40	05/19/2000	(105724)
41	05/19/2000	(105723)
42	05/22/2000	(157197)
43	06/06/2000	(105726)
44	06/06/2000	(105725)
45	06/18/2000	(105727)
46	06/20/2000	(157201)
47	07/19/2000	(105728)
48	07/20/2000	(105730)
49	07/20/2000	(105729)
50	07/21/2000	(157205)
51	08/01/2000	(105737)
52	08/01/2000	(105736)
53	08/01/2000	(105735)
54	08/01/2000	(105734)
55	08/01/2000	(105733)
56	08/01/2000	(105732)
57	08/01/2000	(105731)
58	08/02/2000	(105742)
59	08/02/2000	(105741)
60	08/02/2000	(105740)
61	08/02/2000	(105739)
62	08/02/2000	(105738)
63	08/03/2000	(112626)
64	08/09/2000	(105744)
65	08/09/2000	(105743)
66	08/18/2000	(105749)
67	08/18/2000	(105748)
68	08/18/2000	(105747)
69	08/18/2000	(105746)
70	08/18/2000	(105745)
71	08/21/2000	(157209)
72	08/27/2000	(112628)
73	08/30/2000	(105750)
74	09/13/2000	(105751)
75	09/21/2000	(157212)
76	09/28/2000	(105752)
77	10/12/2000	(105753)
78	10/23/2000	(157215)
79	10/27/2000	(105754)
80	11/15/2000	(105756)
81	11/15/2000	(105755)
82	11/16/2000	(105760)
83	11/16/2000	(105759)
84	11/16/2000	(105758)
85	11/16/2000	(105757)
86	11/22/2000	(157219)
87	11/22/2000	(105761)
88	12/07/2000	(105763)
89	12/07/2000	(105762)
90	12/21/2000	(157223)

91	12/21/2000	(105765)
92	12/21/2000	(105764)
93	12/22/2000	(105766)
94	01/22/2001	(157227)
95	01/26/2001	(105767)
96	02/14/2001	(105768)
97	02/21/2001	(157185)
98	02/23/2001	(105776)
99	02/23/2001	(105775)
100	02/23/2001	(105774)
101	02/23/2001	(105773)
102	02/23/2001	(105772)
103	02/23/2001	(105771)
104	02/23/2001	(105770)
105	02/23/2001	(105769)
106	03/01/2001	(105778)
107	03/01/2001	(105777)
108	03/08/2001	(105779)
109	03/21/2001	(157188)
110	03/29/2001	(105780)
111	03/30/2001	(105781)
112	04/23/2001	(157194)
113	05/22/2001	(157198)
114	05/25/2001	(105782)
115	06/01/2001	(105783)
116	06/21/2001	(157202)
117	06/28/2001	(105784)
118	07/19/2001	(105791)
119	07/19/2001	(105790)
120	07/19/2001	(105789)
121	07/19/2001	(105788)
122	07/19/2001	(105787)
123	07/19/2001	(105786)
124	07/19/2001	(105785)
125	07/20/2001	(105795)
126	07/20/2001	(105794)
127	07/20/2001	(105793)
128	07/20/2001	(105792)
129	08/31/2001	(157206)
130	08/31/2001	(157210)
131	09/20/2001	(157213)
132	10/24/2001	(157216)
133	11/19/2001	(157220)
134	12/21/2001	(157224)
135	01/22/2002	(157228)
136	02/22/2002	(157186)
137	03/21/2002	(157189)
138	04/23/2002	(157192)
139	04/23/2002	(157195)
140	04/24/2002	(IE0016486003003
141	05/22/2002	(157199)
142	06/24/2002	(157203)
143	07/22/2002	(157207)
144	07/30/2002	(5633)
145	07/30/2002	(5734)
146	07/30/2002	(5973)
147	08/09/2002	(5238)
148	08/12/2002	(5088)
149	08/21/2002	(157211)
150	08/29/2002	(3801)
151	09/23/2002	(157214)
152	10/18/2002	(157217)
153	10/23/2002	(12544)
154	10/24/2002	(12480)
155	11/05/2002	(16050)
156	11/21/2002	(157221)
157	11/22/2002	(5078)
158	11/26/2002	(16327)

159 12/03/2002 (18034)
160 12/13/2002 (18670)
161 12/20/2002 (157225)
162 01/21/2003 (20714)
163 01/21/2003 (157229)
164 01/28/2003 (22061)
165 02/07/2003 (22079)
166 02/20/2003 (157187)
167 03/19/2003 (157190)
168 04/18/2003 (157196)
169 04/25/2003 (25379)
170 05/08/2003 (33263)
171 05/21/2003 (157200)
172 05/28/2003 (60762)
173 05/30/2003 (60547)
174 06/23/2003 (157204)
175 07/16/2003 (112393)
176 07/21/2003 (157208)
177 08/19/2003 (147506)
178 08/21/2003 (147314)
179 08/21/2003 (295015)
180 08/29/2003 (33657)
181 08/29/2003 (31893)
182 09/22/2003 (295017)
183 10/17/2003 (152374)
184 10/21/2003 (295019)
185 11/10/2003 (140784)
186 11/21/2003 (295020)
187 12/15/2003 (252528)
188 12/17/2003 (253859)
189 12/22/2003 (295021)
190 01/07/2004 (251647)
191 01/14/2004 (259132)
192 01/16/2004 (257106)
193 01/21/2004 (295022)
194 02/18/2004 (262253)
195 02/23/2004 (295004)
196 02/25/2004 (263664)
197 03/05/2004 (258714)
198 03/18/2004 (259900)
199 03/22/2004 (295006)
200 03/30/2004 (332764)
201 04/08/2004 (265693)
202 04/19/2004 (295007)
203 04/23/2004 (264889)
204 04/28/2004 (269294)
205 05/21/2004 (295009)
206 05/25/2004 (271847)
207 06/15/2004 (271209)
208 06/17/2004 (275130)
209 06/17/2004 (273769)

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

1 Date: 10/31/2000 (157219)
Classification: Moderate
Self Report? YES
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

2 Date: 11/30/2000 (157223)
Classification: Moderate
Self Report? YES
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

3 Date: 03/30/2004 (332764)
Classification: Moderate
Self Report? NO
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

4 Date: 03/31/2004 (295007)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 04/26/2004 (264889)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — PCW Revision May 17, 2004

TCEQ

DATES

PCW: 12-Nov-2007 | Screening: 09-Jul-2004 | Priority Due: 07-Sep-2004 | EPA Due: 19-Feb-2005

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.
Reg. Ent. Ref. No.	RN102457520
Additional ID No(s).	Air Account No. JE0005H
Facility/Site Region	10-Beaumont
Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	17216
Docket No.	2004-0993-AIR-E
Case Priority	2 (SNC/HPV)
Media Program(s)	Air Quality
Multi-Media	
Admin. Penalty $ Limit Minimum	$0
Maximum	$10,000
No. of Violations	23
Order Type	1660 without deferral
Enf. Coordinator	Miriam Hall
EC's Team	Enforcement Team 5

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $61,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Subtotals 2, 3, & 7: $53,244

Compliance History — 87% Enhancement

Notes: The penalty was enhanced for (4) 1660 orders, Docket Nos. 2002-0148-AIR-E, 2002-0888-AIR-E, 2003-0119-AIR-E, 2002-1051-AIR-E; (5) NOVs for unrelated water quality violations. The penalty was reduced for one Notice of Audit and one Disclosure of Violations.

Culpability: No — 0% Enhancement — *Subtotal 4*: $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

Notes: Most of the violations are past events with no opportunity for future compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$10,168
Approx. Cost of Compliance	$52,300

SUM OF SUBTOTALS 1-7 — Final Subtotal: $114,444

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes: N/A

Final Penalty Amount: $114,444

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $114,444

DEFERRAL — Reduction — Adjustment: $0

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

Notes: This is not an expedited order.

PAYABLE PENALTY: $114,444

EXHIBIT

tabbies

PCW - H

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Site Address 7600 32nd Street, Port Arthur, Jefferson County

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)*	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	4	80%
	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	0	0%
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*	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)*	1	-2%

		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) **87%**

>> 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

The penalty was enhanced for (4) 1660 orders, Docket Nos. 2002-0148-AIR-E, 2002-0888-AIR-E, 2003-0119-AIR-E, 2002-1051-AIR-E; (5) NOVs for unrelated water quality violations. The penalty was reduced for one Notice of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **87%**

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit No. 9195A/PSD-TX-453M6 Special Condition (SC) 5

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to maintain the minimum flame temperature at the Sulfur Recovery Unit (SRU) Thermal Reactor [Emission Point No. (EPN) F310] when processing sour water stripping gas. The minimum temperature is required to be 2200 degrees Fahrenheit (°F) for no less than 168 hours within any four consecutive calendar quarters. During the first quarter of 2004, the Thermal Oxidizer was operated at less than 2200 °F for a total of 706 hours within four consecutive quarters.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			X

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $1,000

One single event per penalty policy was documented during the investigation conducted on March 29-31 and May 1-2, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $492

Statutory Limit Test

Violation Final Penalty Total $1,870

This violation Final Assessed Penalty (adjusted for limits) $1,870

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$500	01-Apr-2004	04-Aug-2004	0.3	$9	n/a	$9
Other (as needed)	$6,700	01-Apr-2003	09-Sep-2004	1.4	$484	n/a	$484

Notes for DELAYED costs: The estimated cost for a permit alteration to allow operating at a lower temperature (2100 °F) and to conduct testing on the SRU Thermal Oxidizer to demonstrate that it can operate at a lower temperature without forming ammonium salts. The begin date is the date the violation started and the end dates are date permit was altered and date testing was conducted.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $7,200

TOTAL $492

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit No. 9195A/PSD-TX-453M6 SC 6

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Although the efficiency was not met, the hourly sulfur dioxide (SO_2) permit limit was not exceeded.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 3

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $7,500

Three single events were documented during the investigation conducted on March 29-31 and May 1-2, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,050

Statutory Limit Test

Violation Final Penalty Total $14,025

This violation Final Assessed Penalty (adjusted for limits) $14,025

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$1,000	14-Jan-2004	10-Mar-2004	1.0	$50	$1,000	$1,050
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight for the period documented during the investigation.						

Approx. Cost of Compliance $1,000

TOTAL $1,050

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	3
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Permit No. 17352 SC 4C
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failing to replace spent canister media within 5 days after breakthrough was detected in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, hydrogen sulfide (H_2S) breakthrough was discovered at the canisters. However, the spent media was replaced 6 days later.

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

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $2,500

One single event was documented during the investigation conducted on March 29-31 and May 1-2, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,675

This violation Final Assessed Penalty (adjusted for limits) $4,675

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	21-Dec-2003	22-Dec-2003	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost for replacing the spent media calculated from date required to date replaced.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $0

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

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

Case ID No. 17216 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit No. 18936/PSD-TX-762M2 SC 8

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to maintain an emission limit below the maximum allowable concentration for nitrogen oxides (NO_x) and SO_2 at the Fluid Catalytic Cracking Unit (FCCU) flue gas vent (EPN 55RGNFLUGS). The maximum allowable concentrations of NO_x and SO_2 averaged over a one-hour period at the vent are 70 parts per million by volume (ppmv) and 50 ppmv, respectively. On March 8, 2004, at 4:00 a.m., the facility emitted a one-hour average NO_x concentration of 71.3 ppmv. On January 23, 2004, from 4:00 to 6:00 a.m., the facility emitted 3 one-hour average SO_2 concentrations of 65.5, 71.5, and 64.3 ppmv, respectively. On January 24, 2004, at 7:00 and 9:00 a.m., the facility emitted 2 one-hour average SO_2 concentrations of 60.8 and 61.5 ppmv, respectively.

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

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One quarterly event for January through March 2004 was documented during the investigation conducted on March 29-31 and May 1-2, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount $525

Violation Final Penalty Total $4,675

This violation Final Assessed Penalty (adjusted for limits) $4,675

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	23-Jan-2004	08-Mar-2004	1.0	$25	$500	$525
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight beginning with the first event and ending with the last event.						

Approx. Cost of Compliance $500

TOTAL $525

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

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

Case ID No. 17216 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	5
Primary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Permit No. 43109 SC 3A
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failure to maintain the NO_x emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR). The permitted hourly average concentration is 43 ppmv. The hourly average was exceeded for a total 512 times on 32 days between January 7 and February 28, 2004.

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

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Although the concentration limit was exceeded, the hourly emission rate in pounds per hour was not exceeded.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event (First Quarter 2004) was documented during the investigation conducted on March 29-31 and May 1-2, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $415

Statutory Limit Test

Violation Final Penalty Total $4,675

This violation Final Assessed Penalty (adjusted for limits) $4,675

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$28,500	07-Jan-2004	23-Mar-2004	0.2	$20	$396	$415
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The cost of installing a mud drum heater on Boiler 350. The begin date is the first date documented in the report, and the end date is the date the equipment was installed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $28,500

TOTAL $415

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit No. 46396 SC 5B

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR). At the Tank 926 Flare, the respondent failed to conduct a monthly flame current check and weekly inspection of the detector lens from June 2003 until April 2004. At the the Benzene Tank Flare, the respondent failed to conduct an annual replacement of the UV tube in the scanned, annual flame check, monthly flame current check and weekly inspection of the detector lens from January 2003 until April 2004.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,000

A total of two single events are recommended: one for the Benzene Tank Flare (January 2003 - March 2004) and one for the Tank 926 Flare (June 2003 - March 2004).

Economic Benefit (EB) for this violation

Estimated EB Amount $3,935

Statutory Limit Test

Violation Final Penalty Total $3,740

This violation Final Assessed Penalty (adjusted for limits) $3,740

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling	$3,000	01-Jan-2003	01-Apr-2004	1.2	$187	$3,748	$3,935
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost for the additional maintenance calculated during the period documented during the inspection.						

Approx. Cost of Compliance $3,000

TOTAL $3,935

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	7
Primary Rule Cite(s)	Standard Exemption 106 (effective October 5, 1995)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to maintain a firing rate of 63 million British thermal units per hour (MMBtu/hr) or less at the Benzene-Toluene-Xylene (BTX) Heater H-52. On February 3 and 4, 2004, the facility recorded a daily BTX Heater H-52 firing rate of 64.3 and 63.8 MMBtu/hr.

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

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event was documented during the investigation conducted on March 29-31 and May 1-2, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $4,675

This violation Final Assessed Penalty (adjusted for limits) $4,675

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$100	03-Feb-2004	04-Feb-2004	0.0	$0	$100	$100
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight on the days the incidents occurred.						

Approx. Cost of Compliance $100

TOTAL $100

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit Nos. 54026 SC 1 and 9195A/PSD-TX-453M6 SC 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004. The Tailgas Thermal Oxidizer has emission limits of 1.88 lbs/hr for H_2S and 38 lbs/hr for SO_2. During the event, the emissions were more than 74 lbs/hr for H_2S and 3,186 lbs/hr for SO_2. The North Flare has emissions limits of 0.12 lbs/hr for H_2S and 10.66 lbs/hr for SO_2. During the event, the emissions were more than 33 lbs/hr for H_2S and 6,904 lbs/hr for SO_2.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual		X	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on April 29, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	28-Apr-2004	28-Apr-2004	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight on the day the incident occurred.						

Approx. Cost of Compliance $500

TOTAL $500

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	9
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(b)(7) and 101.201(b)(8)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failing to properly report an emissions event which occurred on June 21, 2003. The final report failed to include all compounds and estimated total quantities for those compounds released during the emissions event. Emissions of volatile organic compounds (VOC), H_2S, NO_x and carbon monoxide (CO) were released but not reported.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More than 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event was documented during the investigation conducted on April 20, 29, and 30, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	27-Jun-2003	16-Apr-2004	0.8	$1	$11	$11
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost for providing additional information. Begin date is the date the "Final" Report was submitted and the end date is the date the additional emission information was actually sent.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $11

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

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

Case ID No. 17216 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 10

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), Permit 18936/PSD-TX-762M2
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(a) and (b)
Violation Description	Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003. The maximum rates for the South Flare are 2.00 lbs/hr of CO, 0.34 lbs/hr of NO_x, 0.34 lbs/hr of SO_x, and 2.30 lbs/hr of VOC. The emission limit for H_2S at the C-200 Sour Fuel Gas Compressor is zero. During the event, the emission rates for the South Flare were approximately 50.08 lbs/hr of CO, 6.93 lbs/hr of NO_x, 1,703 lbs/hr of SO_x, and 34.41 lbs/hr of VOC. The C-200 Sour Fuel Gas Compressor released 0.56 lbs of H_2S.

Base Penalty $10,000

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

		Harm		
	Release	Major	Moderate	Minor
OR	Actual		X	
	Potential			

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on April 20, 29, and 30, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$2,000	20-Jun-2003	21-Jun-2003	0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost of repairing a leaking valve from the time the event began to the time the event ended.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,000

TOTAL $0

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 11

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(7) and 101.201(b)(8)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failing to properly report an emissions event which occurred on February 25-27, 2003. The final report failed to include all compounds and estimated total quantities for those compounds released during the emissions event. Emissions of nitrogen dioxide (NO_2) and CO were released but not reported.

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More than 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event was documented during the investigation conducted on May 14, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $18

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 11

[redacted] 5.0 15

[redacted]

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	[redacted]	[redacted]
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	14-Mar-2003	18-Jun-2004	1.3	$1	$17	$18
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of submitting the additional information. The begin date is the date the final report was submitted and the end date is the date that the company gave the investigator the additional information.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL $18

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 12

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), Permit 18936/PSD-TX-762M2

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003. (See Violation No. 10 for emission limits) During a 63 hour period, the emission rates averaged approximately 0.836 lbs/hr of NO_x, 89.30 lbs/hr of SO_2 and 5.59 lbs/hr of CO.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on May 14, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	25-Feb-2003	27-Feb-2003	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight on the days the incident occurred.						

Approx. Cost of Compliance $500

TOTAL $500

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	13
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(c)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003. The final report was required to be sent no later than two week after the event (by March 13, 2003); however, it was not submitted until July 2, 2003.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More then 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one use a small x

Violation Base Penalty $100

One single event was documented during the investigation conducted on May 14, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	13-Mar-2003	02-Jul-2003	0.3	$8	n/a	$8
Notes for DELAYED costs	Cost of preparing and submitting report. Begin date is date required, and end date is the date submitted.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $8

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 14

Primary Rule Cite(s) Texas Health and Safety Code § 382.085(a)

Secondary Rule Cite(s)

Violation Description Failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003. The inlet line to the T-4 Recovery Tower has an allowable emission rate of zero.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event was documented during the investigation conducted on May 14, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,675

This violation Final Assessed Penalty (adjusted for limits) $4,675

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$500	27-Feb-2003	27-Feb-2003	0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost of installing a clamp on the line calculated from the beginning to the end of the event (5 hours).						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $0

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	15
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(7)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to satisfy the final reporting requirements for a reportable emission event which occurred on May 1-3, 2003. Not all of the VOC emissions were speciated in the final report for an emissions event due to a pinhole leak developing on the level bridle of the Depentanizer Overhead Drum.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More than 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one / use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event was documented during the investigation conducted on May 14, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	17-May-2003	18-Jun-2004	1.1	$11	n/a	$11
Notes for DELAYED costs	The estimated cost for supplying additional information on the final emissions report calculated from the date the final report was required to be submitted to the date the missing information was submitted.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $11

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 16

Primary Rule Cite(s) Texas Health and Safety Code § 382.085(a)

Secondary Rule Cite(s)

Violation Description Failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridle of the Depentanizer Overhead Drum on May 1-3, 2003. The Depentanizer Overhead Drum has an allowable emission rate of zero. During the approximately 31-hour event, 219.97 lbs of benzene and 5,379.40 lbs of VOC were released.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual		X	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on May 14, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$2,000	01-May-2003	03-May-2003	0.0	$0	$1	$1
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost of fabricating and installing a spool piece to replace the leaking level bridle calculated from the beginning to the end of the event.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

TOTAL $1

Approx. Cost of Compliance $2,000

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number	17
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 101.201(a)(2)(D)
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(b)
Violation Description	Failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003. Although the emissions event was required to be reported within 24 hours of discovery, it was reported 31 hours after discovery. The Sour Water Stripper was reported as the facility involved in the emissions event. However, the notification did not properly report the Refinery Flare (South Flare) as the facility which incurred a reportable emissions event.

Base Penalty $10,000

Environmental, Property and Human Health Matrix

Harm			
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More then 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event was documented during the investigation conducted on April 22, 27, and 30, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount $50

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$50	17-Jul-2003	18-Jul-2003	0.0	$0	$50	$50
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost for additional oversight from when the event was discovered to when it was reported.						

Approx. Cost of Compliance $50

TOTAL $50

PCW

Policy Revision 2 (September 2002)
PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E
Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Enf. Coordinator Miriam Hall

Violation Number 18

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), Permit 18936/PSD-TX-762M2
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(a) and (b)
Violation Description	Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003. During the event, the emissions from the South Flare were 2.27 lbs/hr for CO, 0.44 lbs/hr for NO_x, and 828.63 lbs/hr for SO_2. (See Violation 10 for emission limits). The emission limit for H_2S at Sour Water Stripper 2 is zero. During the event 44.75 lbs of H_2S were released.

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

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on April 22, 27, and 30, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $2,000

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$2,000	17-Jul-2003	17-Jul-2003	0.0	$0	$2,000	$2,000
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight on the day the event occurred. The incident was the result of operator error.						

Approx. Cost of Compliance $2,000

TOTAL $2,000

PCW

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 19

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to properly report an emissions event that occurred at Natural Gas Liquid (NGL) Sphere 848 on March 16-17, 2004. The final report was not submitted within 2 weeks as required. It was submitted on April 7, 2004, 22 days after the end of the event.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent .

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More then 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event was documented during the investigation conducted on July 27, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	31-Mar-2004	07-Apr-2004	0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost of preparing the report calculated from the date the report was required to the date submitted.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $100

TOTAL $0

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Respondent Total Petrochemicals USA, Inc.

Case ID No. 17216

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 20

Primary Rule Cite(s) Texas Health and Safety Code § 382.085(a)

Secondary Rule Cite(s)

Violation Description Failed to prevent the unauthorized release of 10 lbs of benzene from NGL Sphere 848 on March 16-17, 2004.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event was documented during the investigation conducted on July 27, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $4,675

This violation Final Assessed Penalty (adjusted for limits) $4,675

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	16-Mar-2004	17-Mar-2004	0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of blocking off the valve calculated from when the event began to when stopped.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $0

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

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

Case ID No. 17216 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 21

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B)

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003 and ended on December 23, 2004. The event was discovered at 8:00 a.m. on December 23, 2003 but was not reported until 6:01 p.m. on December 24, 2003.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More then 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event was documented during the investigation conducted on July 1, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $50

Statutory Limit Test

Violation Final Penalty Total $187

This violation Final Assessed Penalty (adjusted for limits) $187

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$50	23-Dec-2003	24-Dec-2003	0.0	$0	$50	$50
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight from the date first discovered to date reported.						

Approx. Cost of Compliance: $50

TOTAL $50

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

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

Case ID No. 17216 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 22

Primary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Permit Nos. 54026 SC 1

Secondary Rule Cite(s) Texas Health and Safety Code § 382.085(b)

Violation Description Failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23, 2003. The North Flare has emissions limits of 0.12 lbs/hr for H_2S and 10.66 lbs/hr for SO_2. During the event, the emissions were approximately 4.31 lbs/hr for H_2S and 397.86 lbs/hr for SO_2.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on July 1, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$2,000	22-Dec-2003	25-Dec-2003	0.0	$1	n/a	$1
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of additional operator training calculated from when the event began to when training conducted.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,000

TOTAL $1

Screening Date 09-Jul-2004 **Docket No.** 2004-0993-AIR-E **PCW**

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

Case ID No. 17216 *PCW Revision May 17, 2004*

Reg. Ent. Reference No. RN102457520

Additional ID No(s). Air Account No. JE0005H

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 23

Primary Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), Permit No. 9193A/PSD-TX-453M6 SC 2
Secondary Rule Cite(s)	Texas Health and Safety Code § 382.085(a) and (b)
Violation Description	Failure to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004 when a valve on the startup line between the heater and V-7 was left open. The UNIBON Heater has emission limits of 0.58 lbs/hr for VOC and 2.64 lbs/hr for SO_2. There is no specific authorization for H_2S. During the incident, the UNIBON Heater released approximately 1.67 lbs/hr of VOC, 66.02 lbs/hr of SO_2 and a total of 99.8 lbs of H_2S.

Base Penalty $10,000

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

	Release	Harm: Major	Moderate	Minor
OR	Actual		X	
	Potential			

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one (use a small x)	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event was documented during the investigation conducted on July 1, 2004.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $9,350

This violation Final Assessed Penalty (adjusted for limits) $9,350

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 17216
Reg. Ent. Reference No. RN102457520
Additional ID No(s). Air Account No. JE0005H
Media [Statute] Air Quality
Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	23-Feb-2004	23-Feb-2004	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The estimated cost of additional oversight calculated from the beginning to the end of the event.						

Approx. Cost of Compliance: $500

TOTAL $500

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.77

Regulated Entity: RN102457520 TOTAL PETROCHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 7.76

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385

EXHIBIT PCW - H
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AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2004 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 18, 1999 to October 18, 2004

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? No
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. 1

Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfide (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Compressor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits. 2

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 05/14/2004 ADMINORDER 2002-0888-AIR-E 3

Classification: Moderate

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

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the

facility during the second quarter 2001.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E 4

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air

contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

See addendum for information regarding federal actions.

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 10/21/1999 (157218)
2 10/28/1999 (105697)
3 11/16/1999 (105698)
4 11/22/1999 (157222)
5 11/24/1999 (105699)
6 12/20/1999 (157226)
7 12/22/1999 (105700)
8 01/05/2000 (105702)
9 01/05/2000 (105701)
10 01/21/2000 (157230)
11 01/26/2000 (105705)
12 01/26/2000 (105704)
13 01/26/2000 (105703)
14 02/03/2000 (105706)
15 02/22/2000 (157184)
16 03/15/2000 (105714)
17 03/15/2000 (105713)
18 03/15/2000 (105712)
19 03/15/2000 (105711)
20 03/15/2000 (105710)
21 03/15/2000 (105709)
22 03/15/2000 (105708)

23	03/15/2000	(105707)
24	03/17/2000	(157191)
25	04/20/2000	(157193)
26	05/05/2000	(112627)
27	05/05/2000	(105716)
28	05/05/2000	(105715)
29	05/12/2000	(105722)
30	05/12/2000	(105721)
31	05/12/2000	(105720)
32	05/12/2000	(105719)
33	05/12/2000	(105718)
34	05/12/2000	(105717)
35	05/19/2000	(105724)
36	05/19/2000	(105723)
37	05/22/2000	(157197)
38	06/06/2000	(105726)
39	06/06/2000	(105725)
40	06/18/2000	(105727)
41	06/20/2000	(157201)
42	07/19/2000	(105728)
43	07/20/2000	(105730)
44	07/20/2000	(105729)
45	07/21/2000	(157205)
46	08/01/2000	(105737)
47	08/01/2000	(105736)
48	08/01/2000	(105735)
49	08/01/2000	(105734)
50	08/01/2000	(105733)
51	08/01/2000	(105732)
52	08/01/2000	(105731)
53	08/02/2000	(105742)
54	08/02/2000	(105741)
55	08/02/2000	(105740)
56	08/02/2000	(105739)
57	08/02/2000	(105738)
58	08/03/2000	(112626)
59	08/09/2000	(105744)
60	08/09/2000	(105743)
61	08/18/2000	(105749)
62	08/18/2000	(105748)
63	08/18/2000	(105747)
64	08/18/2000	(105746)
65	08/18/2000	(105745)
66	08/21/2000	(157209)
67	08/27/2000	(112628)
68	08/30/2000	(105750)
69	09/13/2000	(105751)
70	09/21/2000	(157212)
71	09/28/2000	(105752)
72	10/12/2000	(105753)
73	10/23/2000	(157215)
74	10/27/2000	(105754)
75	11/15/2000	(105756)
76	11/15/2000	(105755)
77	11/16/2000	(105760)
78	11/16/2000	(105759)
79	11/16/2000	(105758)
80	11/16/2000	(105757)
81	11/22/2000	(157219)
82	11/22/2000	(105761)
83	12/07/2000	(105763)
84	12/07/2000	(105762)
85	12/21/2000	(157223)
86	12/21/2000	(105765)
87	12/21/2000	(105764)
88	12/22/2000	(105766)
89	01/22/2001	(157227)
90	01/26/2001	(105767)

91	02/14/2001	(105768)
92	02/21/2001	(157185)
93	02/23/2001	(105776)
94	02/23/2001	(105775)
95	02/23/2001	(105774)
96	02/23/2001	(105773)
97	02/23/2001	(105772)
98	02/23/2001	(105771)
99	02/23/2001	(105770)
100	02/23/2001	(105769)
101	03/01/2001	(105778)
102	03/01/2001	(105777)
103	03/08/2001	(105779)
104	03/21/2001	(157188)
105	03/29/2001	(105780)
106	03/30/2001	(105781)
107	04/23/2001	(157194)
108	05/22/2001	(157198)
109	05/25/2001	(105782)
110	06/01/2001	(105783)
111	06/21/2001	(157202)
112	06/28/2001	(105784)
113	07/19/2001	(105791)
114	07/19/2001	(105790)
115	07/19/2001	(105789)
116	07/19/2001	(105788)
117	07/19/2001	(105787)
118	07/19/2001	(105786)
119	07/19/2001	(105785)
120	07/20/2001	(105795)
121	07/20/2001	(105794)
122	07/20/2001	(105793)
123	07/20/2001	(105792)
124	08/31/2001	(157206)
125	08/31/2001	(157210)
126	09/20/2001	(157213)
127	10/24/2001	(157216)
128	11/19/2001	(157220)
129	12/21/2001	(157224)
130	01/22/2002	(157228)
131	02/22/2002	(157186)
132	03/21/2002	(157189)
133	04/23/2002	(157192)
134	04/23/2002	(157195)
135	04/24/2002	(IE0016486003003
136	05/22/2002	(157199)
137	06/24/2002	(157203)
138	07/22/2002	(157207)
139	07/30/2002	(5633)
140	07/30/2002	(5734)
141	07/30/2002	(5973)
142	08/09/2002	(5238)
143	08/12/2002	(5088)
144	08/21/2002	(157211)
145	08/29/2002	(3801)
146	09/23/2002	(157214)
147	10/18/2002	(157217)
148	10/23/2002	(12544)
149	10/24/2002	(12480)
150	11/05/2002	(16050)
151	11/21/2002	(157221)
152	11/22/2002	(5078)
153	11/26/2002	(16327)
154	12/03/2002	(18034)
155	12/13/2002	(18670)
156	12/20/2002	(157225)
157	01/21/2003	(20714)
158	01/21/2003	(157229)

159 01/28/2003 (22061)
160 02/07/2003 (22079)
161 02/20/2003 (157187)
162 03/19/2003 (157190)
163 04/18/2003 (157196)
164 04/25/2003 (25379)
165 05/08/2003 (33263)
166 05/21/2003 (157200)
167 05/28/2003 (60762)
168 05/30/2003 (60547)
169 06/23/2003 (157204)
170 07/16/2003 (112393)
171 07/21/2003 (157208)
172 08/19/2003 (147506)
173 08/21/2003 (147314)
174 08/21/2003 (295015)
175 08/29/2003 (33657)
176 08/29/2003 (31893)
177 09/22/2003 (295017)
178 10/17/2003 (152374)
179 10/21/2003 (295019)
180 11/10/2003 (140784)
181 11/21/2003 (295020)
182 12/15/2003 (252528)
183 12/17/2003 (253859)
184 12/22/2003 (295021)
185 01/07/2004 (251647)
186 01/14/2004 (259132)
187 01/16/2004 (257106)
188 01/21/2004 (295022)
189 02/18/2004 (262253)
190 02/23/2004 (295004)
191 02/25/2004 (263664)
192 03/05/2004 (258714)
193 03/18/2004 (259900)
194 03/22/2004 (295006)
195 03/30/2004 (332764)
196 04/08/2004 (265693)
197 04/19/2004 (295007)
198 04/23/2004 (264889)
199 04/28/2004 (269294)
200 05/21/2004 (295009)
201 05/25/2004 (271847)
202 06/15/2004 (271209)
203 06/17/2004 (275130)
204 06/17/2004 (273769)
205 06/22/2004 (295011)
206 06/23/2004 (269696)
207 07/12/2004 (269851)
208 07/21/2004 (295013)
209 07/29/2004 (269691)
210 08/16/2004 (281567)
211 08/17/2004 (280413)
212 08/17/2004 (286899)
213 08/17/2004 (283908)
214 08/23/2004 (351943)
215 08/31/2004 (280247)
216 08/31/2004 (285080)
217 09/21/2004 (351944)
218 09/27/2004 (282656)

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

1 Date: 10/31/2000 (157219)

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

2 Date: 11/30/2000 (157223)

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

3 Date: 03/30/2004 (332764)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

4 Date: 03/31/2004 (295007)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 04/26/2004 (264889)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

TCEQ

DATES						
Assigned	13-Feb-2006					
PCW	22-Feb-2006	Screening	15-Feb-2006	EPA Due	12-Nov-2006	

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	28330	No. of Violations	3
Docket No.	2006-0190-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $5,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 170% Enhancement — *Subtotals 2, 3, & 7*: $8,670

Notes: Enhancement for four (4) NOVs without same or similar violations including one (1) self-reported NOV and seven (7) 1660 orders, one (1) federal order without denial of liability. Reduction for one notice of audit and one disclosure of violations in the past five years at this facility.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent doesn't meet culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

Notes: The Respondent has not achieved compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$161
Approx. Cost of Compliance	$2,200

SUM OF SUBTOTALS 1-7 — Final Subtotal: $13,770

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $13,770

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $13,770

DEFERRAL — 0% Reduction — Adjustment: $0

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

Notes: No deferral is offered for a direct referral to Litigation.

PAYABLE PENALTY: $13,770

EXHIBIT

tabbies

PCW - I

Screening Date 15-Feb-2006 **Docket No.** 2006-0190-AIR-E **PCW**

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

Case ID No. 28330 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

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)*	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(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*	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)*	1	-2%

		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) **170%**

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes

Enhancement for four (4) NOVs without same or similar violations including one (1) self-reported NOV and seven (7) 1660 orders, one (1) federal order without denial of liability. Reduction for one notice of audit and one disclosure of violations in the past five years at this facility.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **170%**

Screening Date 15-Feb-2006 **Docket No.** 2006-0190-AIR-E **PCW**

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

Case ID No. 28330 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 1

Primary Rule Cite(s) Air Quality Permit No. 54026, Special Condition 1

Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c) and Texas Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 1835.42 pounds (lbs) of Sulfur Dioxide (SO2) during a nine hour emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005. Since the emissions event was reported late, the respondent failed to meet the demonstrations for the 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

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $81

Statutory Limit Test

Violation Final Penalty Total $6,750

This violation Final Assessed Penalty (adjusted for limits) $6,750

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 28330
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	19-Jun-2005	14-Aug-2006	1.2	$4	$77	$81
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of preventing emissions. Date required is the date of occurrence and Final date is the estimated compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $81

Screening Date 15-Feb-2006 **Docket No.** 2006-0190-AIR-E **PCW**

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

Case ID No. 28330 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B)

Secondary Rule Cite(s) Texas Health & Safety Code § 382.085(b)

Violation Description Failed to properly notify the TCEQ Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005 at 1145 hours, but was not reported until June 20, 2005 at 1553 hours, in excess of the 24 hour reporting requirement.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $12

Statutory Limit Test

Violation Final Penalty Total $270

This violation Final Assessed Penalty (adjusted for limits) $270

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 28330
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$200	19-Jun-2005	14-Aug-2006	1.2	$12	n/a	$12
Notes for DELAYED costs	The amount represents the estimated cost of revising operating procedures to ensure timely notification of emissions events. Date required is the due date of the report and the final date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $200

TOTAL $12

Screening Date 15-Feb-2006 **Docket No.** 2006-0190-AIR-E **PCW**

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

Case ID No. 28330 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number	3
Primary Rule Cite(s)	Permit by Rule Registration No. 72930
Secondary Rule Cite(s)	30 Tex. Admin. Code § 106.6(b) and Texas Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005 due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4--Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of Xylene were released. Since this event was avoidable, the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $69

Statutory Limit Test

Violation Final Penalty Total $6,750

This violation Final Assessed Penalty (adjusted for limits) $6,750

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 28330
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	19-Aug-2005	14-Aug-2006	1.0	$3	$66	$69
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of preventing emissions. Date required is the date of exceedance and the final date is the approximate compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

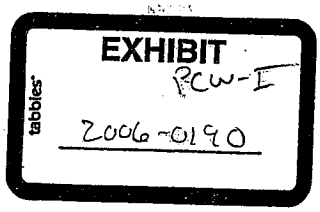
TOTAL $69

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.93

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 11.52

ID Number(s):



WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	8983
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	29409
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	35738
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43108
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6

AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	REGISTRATION	70153
AIR NEW SOURCE PERMITS	REGISTRATION	70342
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	REGISTRATION	70705
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	54067
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50074
WATER LICENSING	LICENSE	1230048
WASTEWATER LICENSING	LICENSE	WQ0000491000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 15, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 15, 2001 to February 15, 2006

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E 2

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005 ADMINORDER 2003-1481-AIR-E 3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions

do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT

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

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

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

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

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

See addendum for information regarding federal actions.

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 04/24/2002 (IE0016486003003)
2 07/30/2002 (5633)
3 05/30/2003 (60547)
4 12/03/2002 (18034)
5 09/19/2005 (440744)
6 06/17/2004 (275130)
7 06/27/2005 (394004)
8 05/28/2003 (60762)
9 12/17/2004 (351947)
10 01/11/2005 (345742)
11 08/08/2005 (400586)
12 08/10/2005 (398204)
13 08/08/2005 (400578)
14 08/08/2005 (395607)
15 01/24/2006 (452104)
16 03/11/2005 (346656)
17 11/15/2005 (405196)
18 02/21/2001 (157185)
19 02/22/2002 (157186)
20 02/21/2005 (381768)
21 06/15/2004 (271209)
22 08/19/2003 (147506)
23 02/20/2003 (157187)
24 03/17/2005 (381769)
25 01/21/2005 (381770)
26 03/21/2001 (157188)
27 10/23/2002 (12544)
28 08/29/2003 (33657)
29 09/27/2004 (282656)
30 03/21/2002 (157189)
31 12/13/2002 (18670)
32 11/18/2005 (435866)
33 11/26/2002 (16327)
34 07/08/2005 (380986)
35 03/19/2003 (157190)
36 04/25/2003 (25379)
37 08/15/2005 (404442)

38	07/18/2005	(398333)
39	12/14/2004	(269700)
40	11/18/2005	(435774)
41	08/14/2005	(402622)
42	11/05/2002	(16050)
43	07/16/2003	(112393)
44	07/12/2004	(269851)
45	04/23/2002	(157192)
46	11/04/2005	(431104)
47	11/15/2005	(436413)
48	04/23/2001	(157194)
49	02/13/2006	(450178)
50	04/23/2002	(157195)
51	01/19/2006	(440180)
52	07/30/2002	(5734)
53	07/29/2004	(269691)
54	04/18/2003	(157196)
55	05/22/2001	(157198)
56	08/31/2005	(340674)
57	05/22/2002	(157199)
58	01/16/2004	(257106)
59	05/21/2003	(157200)
60	12/12/2005	(404612)
61	06/21/2005	(393771)
62	08/12/2002	(5088)
63	10/17/2003	(152374)
64	06/21/2001	(157202)
65	07/18/2005	(396246)
66	02/07/2006	(453479)
67	02/07/2003	(22079)
68	12/07/2005	(435751)
69	06/24/2002	(157203)
70	03/30/2004	(332764)
71	06/23/2003	(157204)
72	01/14/2004	(259132)
73	12/15/2003	(252528)
74	08/31/2001	(157206)
75	07/22/2002	(157207)
76	02/25/2004	(263664)
77	01/21/2003	(20714)
78	11/12/2004	(291212)
79	07/21/2003	(157208)
80	08/16/2004	(281567)
81	03/11/2005	(350459)
82	08/31/2001	(157210)
83	05/25/2004	(271847)
84	11/29/2004	(337787)
85	08/21/2002	(157211)
86	10/24/2002	(12480)
87	02/18/2004	(262253)
88	08/15/2005	(399684)
89	11/04/2005	(436336)

90	11/15/2005	(435255)
91	09/20/2001	(157213)
92	11/22/2002	(5078)
93	05/08/2003	(33263)
94	09/23/2002	(157214)
95	08/17/2004	(280413)
96	10/24/2001	(157216)
97	06/17/2004	(273769)
98	06/27/2005	(375095)
99	08/31/2005	(402164)
100	04/23/2004	(264889)
101	04/27/2005	(345893)
102	10/18/2002	(157217)
103	08/21/2003	(147314)
104	02/23/2004	(295004)
105	07/30/2002	(5973)
106	08/09/2002	(5238)
107	03/22/2004	(295006)
108	11/19/2001	(157220)
109	11/15/2005	(436155)
110	04/19/2004	(295007)
111	11/21/2002	(157221)
112	08/29/2002	(3801)
113	04/28/2004	(269294)
114	05/21/2004	(295009)
115	01/18/2006	(449944)
116	06/23/2004	(269696)
117	07/20/2001	(105795)
118	01/11/2005	(286852)
119	11/10/2003	(140784)
120	07/20/2001	(105794)
121	07/20/2001	(105793)
122	06/22/2004	(295011)
123	01/28/2003	(22061)
124	08/31/2004	(280247)
125	07/20/2001	(105792)
126	12/21/2001	(157224)
127	07/19/2001	(105791)
128	12/07/2004	(341531)
129	07/21/2004	(295013)
130	07/19/2001	(105790)
131	12/20/2002	(157225)
132	07/19/2001	(105789)
133	07/19/2001	(105788)
134	08/31/2004	(285080)
135	07/19/2001	(105787)
136	08/21/2003	(295015)
137	07/19/2001	(105786)
138	03/29/2005	(372850)
139	02/13/2006	(450341)
140	07/19/2001	(105785)
141	09/22/2003	(295017)

142	01/22/2002	(157228)
143	04/22/2005	(419600)
144	06/15/2005	(394699)
145	02/06/2006	(437341)
146	05/19/2005	(419601)
147	01/21/2003	(157229)
148	06/28/2001	(105784)
149	10/21/2003	(295019)
150	08/29/2003	(31893)
151	06/01/2001	(105783)
152	06/21/2005	(419602)
153	11/21/2003	(295020)
154	05/25/2001	(105782)
155	01/07/2004	(251647)
156	08/17/2004	(286899)
157	03/30/2001	(105781)
158	12/22/2003	(295021)
159	03/29/2001	(105780)
160	01/21/2004	(295022)
161	03/08/2001	(105779)
162	03/01/2001	(105778)
163	07/12/2005	(379108)
164	03/01/2001	(105777)
165	02/23/2001	(105776)
166	02/07/2006	(450128)
167	03/18/2004	(259900)
168	07/13/2005	(395545)
169	02/23/2001	(105775)
170	06/17/2005	(380022)
171	08/15/2005	(403311)
172	11/04/2005	(435646)
173	02/23/2001	(105774)
174	03/11/2005	(348120)
175	06/16/2005	(395449)
176	02/23/2001	(105773)
177	08/23/2004	(351943)
178	08/14/2005	(400928)
179	02/23/2001	(105772)
180	02/23/2001	(105771)
181	02/23/2001	(105770)
182	01/11/2005	(345734)
183	02/23/2001	(105769)
184	12/17/2003	(253859)
185	06/17/2005	(395181)
186	09/21/2004	(351944)
187	04/08/2004	(265693)
188	11/18/2005	(435804)
189	11/15/2005	(434630)
190	10/21/2004	(351945)
191	01/19/2006	(439503)
192	08/15/2005	(371587)
193	07/21/2005	(440742)

194 03/05/2004 (258714)

195 08/17/2004 (283908)

196 01/11/2005 (345047)

197 08/19/2005 (440743)

198 11/18/2004 (351946)

199 11/18/2005 (435798)

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

1 Date: 03/29/2005 (372850) Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]
Description: Failure to have a monitoring plan.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]
Description: Failure to maintain vent on ground storage tank.

2 Date: 03/30/2004 (332764) Classification: Moderate

Self Report? NO
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

3 Date: 04/26/2004 (284889) Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

4 Date: 03/31/2004 (295007) Classification: Moderate

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

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)

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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA INC	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO.:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE: RCRA	SECT. OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
		PROGRAM:	Hazardous Waste Management- C-T
CASE RESULT:	Final Order With Penalty	VIOLATION TYPE:	RCRA Permit Evader

EXHIBIT PLAN I
2006-0190
Addendum
tabbies

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

TCEQ

DATES Assigned: 30-Aug-2005 PCW: 07-Nov-2005 Screening: 21-Sep-2005 EPA Due: 15-Oct-2006

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.
Reg. Ent. Ref. No.	RN102457520
Facility/Site Region	10-Beaumont
Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	27037
Docket No.	2005-1776-AIR-E
Media Program(s)	Air Quality
Multi-Media	
Admin. Penalty $ Limit Minimum	$0
Maximum	$10,000
No. of Violations	3
Order Type	Findings
Enf. Coordinator	Daniel Siringi
EC's Team	Enforcement Team 6

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $7,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 209% Enhancement — *Subtotals 2, 3, & 7*: $15,884

Notes: Enhancement for six (6) NOVs without same or similar violations including three (3) self-reported NOVs and seven (7) 1660 orders, two (2) federal orders without denial of liability. Reduction for one notice of audit and one disclosure of violations in the past five years at this facility.

Culpability: No — 0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent doesn't meet culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

Notes: The Respondent has not yet achieved compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$239
Approx. Cost of Compliance	$2,500

SUM OF SUBTOTALS 1-7 — Final Subtotal: $23,484

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $23,484

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $18,034

DEFERRAL — 0% Reduction — Adjustment: $0

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

Notes: No deferral is offered for a direct referral to Litigation.

PAYABLE PENALTY: $18,034

EXHIBIT
tabbies
PCW-J

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 21-Sep-2005 **Docket No.** 2005-1776-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 27037

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

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)*	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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)*	2	60%
	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*	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)*	1	-2%

		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) **209%**

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes

Enhancement for six (6) NOVs without same or similar violations including three (3) self-reported NOVs and seven (7) 1660 orders, two (2) federal orders without denial of liability. Reduction for one notice of audit and one disclosure of violations in the past five years at this facility.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **209%**

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 21-Sep-2005 **Docket No.** 2005-1776-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 27037

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(a)(1)(B)
Secondary Rule Cite(s)	Texas Health & Safety Code § 382.085(b)
Violation Description	Failure to notify the Beaumont Regional Office within 24 hours of a reportable emissions event. The event was discovered on October 31, 2004 at 0919 hours and was reported on November 1, 2004 at 1132 hours.

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one, use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $144

Statutory Limit Test

Violation Final Penalty Total $309

This violation Final Assessed Penalty (adjusted for limits) $309

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 27037
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,500	02-Nov-2004	17-Mar-2006	1.4	$7	$137	$144
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of preparing and implementing procedures which will ensure proper notification of emission events. Date required is the due date of the report and final date is the estimated compliance date.						

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,500

TOTAL $144

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 21-Sep-2005 **Docket No.** 2005-1776-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 27037

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 2

Primary Rule Cite(s) Air Permit No. 18936/PSD-TX-762M2, General Condition No. 8 and Special Condition 1A

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), 40 CFR 60.104(b)(1) and Texas Health & Safety Code § 385.085(b)

Violation Description Failure to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 pounds (lbs) of sulphur dioxide (SO2) were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations 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 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $15,450

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 27037
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The economic benefit for this violation is included in that for No. 1.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $0

TOTAL $0

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 21-Sep-2005 **Docket No.** 2005-1776-AIR-E

Respondent Total Petrochemicals USA, Inc.

Case ID No. 27037

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number	3
Primary Rule Cite(s)	Air Permit No. 49743, Special Condition 1
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(b)(2)(F) and (c) and Texas Health & Safety Code § 382.085(b)
Violation Description	Failure to prevent unauthorized Volatile Organic Compounds (VOC) emissions of 432 lbs on November 8, 2004. Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $95

Statutory Limit Test

Violation Final Penalty Total $7,725

This violation Final Assessed Penalty (adjusted for limits) $7,725

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 27037
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	08-Nov-2004	17-Mar-2006	1.4	$5	$90	$95
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of preventing emissions. Date required is the date of occurrence and final date is the estimated compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $95

Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 2.94

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 9.27

ID Number(s):

STORMWATER	PERMIT	TXR15NF16
WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	84487
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688

AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	83825
AIR NEW SOURCE PERMITS	EPA ID	P762
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	REGISTRATION	86357
AIR NEW SOURCE PERMITS	REGISTRATION	85036
AIR NEW SOURCE PERMITS	REGISTRATION	84944
AIR NEW SOURCE PERMITS	EPA ID	P762M2
AIR NEW SOURCE PERMITS	REGISTRATION	87865
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1193
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074

STORAGE INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
COMPLIANCE PLANS		

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 04, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 21, 2000 to September 21, 2005

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

Name: Staff Name Phone: 239 - 1000

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. if Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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: 07/21/2002 ADMINORDER 2002-0148-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E 4

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Rqmt Prov: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to property notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E 6

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 1 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 46396, SC 4E PERMIT
Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 2 PERMIT
Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E 7

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 ls of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO2, 45.5 lbs of NOx, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Emitted into the atmosophere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

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	09/21/2000	(157212)
2	09/28/2000	(105752)
3	10/12/2000	(105753)
4	10/23/2000	(157215)
5	10/27/2000	(105754)
6	11/15/2000	(105755)
7	11/15/2000	(105756)
8	11/16/2000	(105757)
9	11/16/2000	(105758)
10	11/16/2000	(105759)
11	11/16/2000	(105760)
12	11/22/2000	(105761)
13	11/22/2000	(157219)
14	12/07/2000	(105762)
15	12/07/2000	(105763)
16	12/21/2000	(105764)
17	12/21/2000	(105765)
18	12/21/2000	(157223)
19	12/22/2000	(105766)

20	01/22/2001	(157227)
21	01/26/2001	(105767)
22	02/14/2001	(105768)
23	02/21/2001	(157185)
24	02/23/2001	(105769)
25	02/23/2001	(105770)
26	02/23/2001	(105771)
27	02/23/2001	(105772)
28	02/23/2001	(105773)
29	02/23/2001	(105774)
30	02/23/2001	(105775)
31	02/23/2001	(105776)
32	03/01/2001	(105777)
33	03/01/2001	(105778)
34	03/08/2001	(105779)
35	03/21/2001	(157188)
36	03/29/2001	(105780)
37	03/30/2001	(105781)
38	04/23/2001	(157194)
39	05/22/2001	(157198)
40	05/25/2001	(105782)
41	06/01/2001	(105783)
42	06/21/2001	(157202)
43	06/28/2001	(105784)
44	07/19/2001	(105785)
45	07/19/2001	(105786)
46	07/19/2001	(105787)
47	07/19/2001	(105788)
48	07/19/2001	(105789)
49	07/19/2001	(105790)
50	07/19/2001	(105791)
51	07/20/2001	(105792)
52	07/20/2001	(105793)
53	07/20/2001	(105794)
54	07/20/2001	(105795)
55	08/31/2001	(157206)
56	08/31/2001	(157210)
57	09/20/2001	(157213)
58	10/24/2001	(157216)
59	11/19/2001	(157220)
60	12/21/2001	(157224)
61	01/22/2002	(157228)
62	02/22/2002	(157186)
63	03/21/2002	(157189)
64	04/23/2002	(157192)
65	04/23/2002	(157195)
66	04/24/2002	(IE0016486003003
67	05/22/2002	(157199)
68	06/24/2002	(157203)
69	07/22/2002	(157207)
70	07/30/2002	(5633)
71	07/30/2002	(5734)
72	07/30/2002	(5973)
73	08/09/2002	(5238)
74	08/12/2002	(5088)
75	08/21/2002	(157211)
76	08/29/2002	(3801)
77	09/23/2002	(157214)
78	10/18/2002	(157217)

79	10/23/2002	(12544)
80	10/24/2002	(12480)
81	11/05/2002	(16050)
82	11/21/2002	(157221)
83	11/22/2002	(5078)
84	11/26/2002	(16327)
85	12/03/2002	(18034)
86	12/13/2002	(18670)
87	12/20/2002	(157225)
88	01/21/2003	(157229)
89	01/21/2003	(20714)
90	01/28/2003	(22061)
91	02/07/2003	(22079)
92	02/20/2003	(157187)
93	03/19/2003	(157190)
94	04/18/2003	(157196)
95	04/25/2003	(25379)
96	05/08/2003	(33263)
97	05/21/2003	(157200)
98	05/28/2003	(60762)
99	05/30/2003	(60547)
100	06/23/2003	(157204)
101	07/16/2003	(112393)
102	07/21/2003	(157208)
103	08/19/2003	(147506)
104	08/21/2003	(147314)
105	08/21/2003	(295015)
106	08/29/2003	(31893)
107	08/29/2003	(33657)
108	09/22/2003	(295017)
109	10/17/2003	(152374)
110	10/21/2003	(295019)
111	11/10/2003	(140784)
112	11/21/2003	(295020)
113	12/15/2003	(252528)
114	12/17/2003	(253859)
115	12/22/2003	(295021)
116	01/07/2004	(251647)
117	01/14/2004	(259132)
118	01/16/2004	(257106)
119	01/21/2004	(295022)
120	02/18/2004	(262253)
121	02/23/2004	(295004)
122	02/25/2004	(263664)
123	03/05/2004	(258714)
124	03/18/2004	(259900)
125	03/22/2004	(295006)
126	03/30/2004	(332764)
127	04/08/2004	(265693)
128	04/19/2004	(295007)
129	04/23/2004	(264889)
130	04/28/2004	(269294)
131	05/21/2004	(295009)
132	05/25/2004	(271847)
133	06/15/2004	(271209)
134	06/17/2004	(273769)
135	06/17/2004	(275130)
136	06/22/2004	(295011)
137	06/23/2004	(269696)

138	07/12/2004	(269851)
139	07/21/2004	(295013)
140	07/29/2004	(269691)
141	08/16/2004	(281567)
142	08/17/2004	(280413)
143	08/17/2004	(283908)
144	08/17/2004	(286899)
145	08/23/2004	(351943)
146	08/31/2004	(280247)
147	08/31/2004	(285080)
148	09/21/2004	(351944)
149	09/27/2004	(282656)
150	10/21/2004	(351945)
151	11/12/2004	(291212)
152	11/18/2004	(351946)
153	11/29/2004	(337787)
154	12/07/2004	(341531)
155	12/14/2004	(269700)
156	12/17/2004	(351947)
157	01/11/2005	(286852)
158	01/11/2005	(345047)
159	01/11/2005	(345734)
160	01/11/2005	(345742)
161	01/21/2005	(381770)
162	02/21/2005	(381768)
163	03/11/2005	(346656)
164	03/11/2005	(348120)
165	03/11/2005	(350459)
166	03/17/2005	(381769)
167	03/29/2005	(372850)
168	04/22/2005	(419600)
169	04/27/2005	(345893)
170	05/19/2005	(419601)
171	06/15/2005	(394699)
172	06/16/2005	(395449)
173	06/17/2005	(380022)
174	06/17/2005	(395181)
175	06/21/2005	(393771)
176	06/21/2005	(419602)
177	06/27/2005	(375095)
178	06/27/2005	(394004)
179	07/08/2005	(380986)
180	07/12/2005	(379108)
181	07/13/2005	(395545)
182	07/18/2005	(396246)
183	07/18/2005	(398333)
184	07/21/2005	(440742)
185	08/08/2005	(395607)
186	08/08/2005	(400578)
187	08/08/2005	(400586)
188	08/10/2005	(398204)
189	08/14/2005	(400928)
190	08/14/2005	(402622)
191	08/15/2005	(371587)
192	08/15/2005	(399684)
193	08/15/2005	(403311)
194	08/15/2005	(404442)
195	08/19/2005	(440743)
196	08/31/2005	(340674)

197 08/31/2005 (402164)
198 09/19/2005 (440744)

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

1 Date: 10/31/2000 (157219) 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

2 Date: 11/30/2000 (157223) 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

3 Date: 03/30/2004 (332764)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

4 Date: 03/31/2004 (295007) 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

5 Date: 04/26/2004 (264889) CN600582399
Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

6 Date: 03/29/2005 (372850)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to maintain vent on ground storage tank.

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341
Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

G. Type of environmental management systems (EMSs).

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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA, INC.	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO.:	HQ-2000-0065	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010111	STATUTE: CAA	SECT. OF STATUTE: 211
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 80 CITE SECT.: 101,128,46
CASE RESULT:	Final Order With Penalty	PROGRAM:	Mobile Sources
		VIOLATION TYPE:	Reformulated Gasoline

EPA CASE NO.:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE: RCRA	SECT. OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
CASE RESULT:	Final Order With Penalty	PROGRAM:	Hazardous Waste Management- C-T
		VIOLATION TYPE:	RCRA Permit Evader

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

TCEQ

DATES						
Assigned	30-Jan-2006					
PCW	06-Feb-2006	Screening	31-Jan-2006	EPA Due	28-Oct-2006	

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	28206	No. of Violations	2
Docket No.	2006-0141-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $22,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **205%** Enhancement *Subtotals 2, 3, & 7* $46,125

Notes: Enhancement for four (4) NOVs without same or similar violations, including one (1) self-reported NOV, seven (7) 1660 orders, two (2) federal orders without denial of liability. Reduction for one notice of audit and one disclosure of violations in the past five years at this Plant.

Culpability No **0%** Enhancement *Subtotal 4* $0

Notes: The Respondent doesn't meet culpability criteria.

Good Faith Effort to Comply **0%** Reduction *Subtotal 5* $0

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

Notes: The Respondent has not yet achieved compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$127
Approx. Cost of Compliance	$2,000

SUM OF SUBTOTALS 1-7 Final Subtotal $68,625

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $68,625

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $47,625

DEFERRAL 0% Reduction Adjustment $0

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

Notes: No deferral is offered for a Findings Order.

PAYABLE PENALTY $47,625

EXHIBIT

tabbies

PCW-K

Screening Date 31-Jan-2006 **Docket No.** 2006-0141-AIR-E **PCW**

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

Case ID No. 28206 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

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)*	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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)*	2	60%
	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*	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)*	1	-2%

		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) **205%**

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes

Enhancement for four (4) NOVs without same or similar violations, including one (1) self-reported NOV, seven (7) 1660 orders, two (2) federal orders without denial of liability. Reduction for one notice of audit and one disclosure of violations in the past five years at this Plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **205%**

Screening Date 31-Jan-2006 **Docket No.** 2006-0141-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Respondent Total Petrochemicals USA, Inc.

Case ID No. 28206

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 1

Primary Rule Cite(s)	Air Quality Permit No. 18936/PSD-TX-762M2
Secondary Rule Cite(s)	30 Tex. Admin. Code §§ 110.20(3), 116.115(b)(2)(F) and (c) and Texas Health & Safety Code § 382.085(b)
Violation Description	Failure to maintain the volatile organic compounds (VOC) emission rate below 7.56 lb/hr at the FPM Cooling Tower between May 17, 2005 and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7- 27 and December 14-15, 2005 released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs, respectively.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual		X	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protected of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 4

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $20,000

Four single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $58

Statutory Limit Test

Violation Final Penalty Total $61,000

This violation Final Assessed Penalty (adjusted for limits) $40,000

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 28206
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	31-May-2005	30-Jul-2006	1.2	$58	n/a	$58

Notes for DELAYED costs: Estimated cost of maintainence necessary to prevent leaks at the FPM Cooling Tower. Date required is the date of the first occurrence of leaks and the final date is the estimated compliance date.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL $58

Screening Date 31-Jan-2006 **Docket No.** 2006-0141-AIR-E **PCW**

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

Case ID No. 28206 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 106.371

Secondary Rule Cite(s) Texas Health & Safety Code § 382.085(b)

Violation Description Failure to maintain the VOC emission rate below 0.07 lb/hr at the 805 Reformer Cooling Tower from March 15 until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1,062.6 lbs of toluene, and 88.8 lbs of xylene (a total of 1,712.2 lbs of VOCs) occurred.

Base Penalty $10,000

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

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment 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 the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $69

Statutory Limit Test

Violation Final Penalty Total $7,625

This violation Final Assessed Penalty (adjusted for limits) $7,625

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 28206
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	15-Mar-2005	30-Jul-2006	1.4	$69	n/a	$69
Notes for DELAYED costs	Estimated cost of preventing unauthorized emissions at the 805 Reformer Colling Tower (EPN 67805CLTWR) at the Area 1 Naphtha Aromatics Complex (NAC). Date required is the first date the emissions were released and final date is the estimated compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $69

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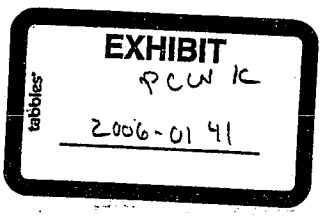
Compliance History

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals USA, Inc. Classification: AVERAGE Rating: 2.90

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 11.90

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	8983
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	29409
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	35738
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43108
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	AFS NUM	0037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6



AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	REGISTRATION	70153
AIR NEW SOURCE PERMITS	REGISTRATION	70342
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	REGISTRATION	70705
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	54067
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50074
WATER LICENSING	LICENSE	1230048
WASTEWATER LICENSING	LICENSE	WQ0000491000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 30, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 30, 2001 to January 30, 2006

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

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Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(b)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

3

Effective Date: 01/08/2005 ADMINORDER 2003-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions

do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT

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

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2 PERMIT

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

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

See addendum for information regarding federal actions.

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 04/24/2002 (IE0016486003003)
2 07/30/2002 (5633)
3 05/30/2003 (60547)
4 12/03/2002 (18034)
5 09/19/2005 (440744)
6 06/17/2004 (275130)
7 06/27/2005 (394004)
8 05/28/2003 (60762)
9 12/17/2004 (351947)
10 01/11/2005 (345742)
11 08/08/2005 (400586)
12 08/10/2005 (398204)
13 08/08/2005 (400578)
14 08/08/2005 (395607)
15 01/24/2006 (452104)
16 03/11/2005 (346656)
17 11/15/2005 (405196)
18 02/21/2001 (157185)
19 02/22/2002 (157186)
20 02/21/2005 (381768)
21 06/15/2004 (271209)
22 08/19/2003 (147506)
23 02/20/2003 (157187)
24 03/17/2005 (381769)
25 01/21/2005 (381770)
26 03/21/2001 (157188)
27 10/23/2002 (12544)
28 08/29/2003 (33657)
29 09/27/2004 (282656)
30 03/21/2002 (157189)
31 12/13/2002 (18670)
32 11/18/2005 (435866)
33 11/26/2002 (16327)
34 07/08/2005 (380986)
35 03/19/2003 (157190)
36 04/25/2003 (25379)
37 08/15/2005 (404442)

38	07/18/2005	(398333)
39	12/14/2004	(269700)
40	11/18/2005	(435774)
41	08/14/2005	(402622)
42	11/05/2002	(16050)
43	07/16/2003	(112393)
44	07/12/2004	(269851)
45	04/23/2002	(157192)
46	11/04/2005	(431104)
47	11/15/2005	(436413)
48	04/23/2001	(157194)
49	04/23/2002	(157195)
50	01/19/2006	(440180)
51	07/30/2002	(5734)
52	07/29/2004	(269691)
53	04/18/2003	(157196)
54	05/22/2001	(157198)
55	08/31/2005	(340674)
56	05/22/2002	(157199)
57	01/16/2004	(257106)
58	05/21/2003	(157200)
59	12/12/2005	(404612)
60	06/21/2005	(393771)
61	08/12/2002	(5088)
62	10/17/2003	(152374)
63	06/21/2001	(157202)
64	07/18/2005	(396246)
65	02/07/2003	(22079)
66	12/07/2005	(435751)
67	06/24/2002	(157203)
68	03/30/2004	(332764)
69	06/23/2003	(157204)
70	01/14/2004	(259132)
71	12/15/2003	(252528)
72	08/31/2001	(157206)
73	07/22/2002	(157207)
74	02/25/2004	(263664)
75	01/21/2003	(20714)
76	11/12/2004	(291212)
77	07/21/2003	(157208)
78	08/16/2004	(281567)
79	03/11/2005	(350459)
80	08/31/2001	(157210)
81	05/25/2004	(271847)
82	11/29/2004	(337787)
83	08/21/2002	(157211)
84	10/24/2002	(12480)
85	02/18/2004	(262253)
86	08/15/2005	(399684)
87	11/04/2005	(436336)
88	11/15/2005	(435255)
89	09/20/2001	(157213)

90	11/22/2002	(5078)
91	05/08/2003	(33263)
92	09/23/2002	(157214)
93	08/17/2004	(280413)
94	10/24/2001	(157216)
95	06/17/2004	(273769)
96	06/27/2005	(375095)
97	08/31/2005	(402164)
98	04/23/2004	(264889)
99	04/27/2005	(345893)
100	10/18/2002	(157217)
101	08/21/2003	(147314)
102	02/23/2004	(295004)
103	07/30/2002	(5973)
104	08/09/2002	(5238)
105	03/22/2004	(295006)
106	11/19/2001	(157220)
107	11/15/2005	(436155)
108	04/19/2004	(295007)
109	11/21/2002	(157221)
110	08/29/2002	(3801)
111	04/28/2004	(269294)
112	05/21/2004	(295009)
113	01/18/2006	(449944)
114	06/23/2004	(269696)
115	07/20/2001	(105795)
116	01/11/2005	(286852)
117	11/10/2003	(140784)
118	07/20/2001	(105794)
119	07/20/2001	(105793)
120	06/22/2004	(295011)
121	01/28/2003	(22061)
122	08/31/2004	(280247)
123	07/20/2001	(105792)
124	12/21/2001	(157224)
125	07/19/2001	(105791)
126	12/07/2004	(341531)
127	07/21/2004	(295013)
128	07/19/2001	(105790)
129	12/20/2002	(157225)
130	07/19/2001	(105789)
131	07/19/2001	(105788)
132	08/31/2004	(285080)
133	07/19/2001	(105787)
134	08/21/2003	(295015)
135	07/19/2001	(105786)
136	03/29/2005	(372850)
137	07/19/2001	(105785)
138	09/22/2003	(295017)
139	01/22/2002	(157228)
140	04/22/2005	(419600)
141	06/15/2005	(394699)

142	05/19/2005	(419601)
143	01/21/2003	(157229)
144	06/28/2001	(105784)
145	10/21/2003	(295019)
146	08/29/2003	(31893)
147	06/01/2001	(105783)
148	06/21/2005	(419602)
149	11/21/2003	(295020)
150	05/25/2001	(105782)
151	01/07/2004	(251647)
152	08/17/2004	(286899)
153	03/30/2001	(105781)
154	12/22/2003	(295021)
155	03/29/2001	(105780)
156	01/21/2004	(295022)
157	03/08/2001	(105779)
158	03/01/2001	(105778)
159	07/12/2005	(379108)
160	03/01/2001	(105777)
161	02/23/2001	(105776)
162	03/18/2004	(259900)
163	07/13/2005	(395545)
164	02/23/2001	(105775)
165	06/17/2005	(380022)
166	08/15/2005	(403311)
167	11/04/2005	(435646)
168	02/23/2001	(105774)
169	03/11/2005	(348120)
170	06/16/2005	(395449)
171	02/23/2001	(105773)
172	08/23/2004	(351943)
173	08/14/2005	(400928)
174	02/23/2001	(105772)
175	02/23/2001	(105771)
176	02/23/2001	(105770)
177	01/11/2005	(345734)
178	02/23/2001	(105769)
179	12/17/2003	(253859)
180	06/17/2005	(395181)
181	09/21/2004	(351944)
182	02/14/2001	(105768)
183	04/08/2004	(265693)
184	11/18/2005	(435804)
185	11/15/2005	(434630)
186	10/21/2004	(351945)
187	01/19/2006	(439503)
188	08/15/2005	(371587)
189	07/21/2005	(440742)
190	03/05/2004	(258714)
191	08/17/2004	(283908)
192	01/11/2005	(345047)
193	08/19/2005	(440743)

194 11/18/2004 (351946)

195 11/18/2005 (435798)

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

1 Date: 03/29/2005 (372850)

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]
Description: Failure to have a monitoring plan.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]
Description: Failure to maintain vent on ground storage tank.

2 Date: 03/30/2004 (332764)

Classification: Moderate

Self Report? NO
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

3 Date: 04/26/2004 (264889)

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Classification: Minor

Self Report? NO
Rqmt Prov: PERMIT IA
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

4 Date: 03/31/2004 (295007)

Classification: Moderate

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

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)

No DOV Associated

G. Type of environmental management systems (EMSs).

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA, INC.	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO.:	HQ-2000-0065	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010111	STATUTE: CAA	SECT OF STATUTE: 211
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 80 CITE SECT.: 101,128,46
CASE RESULT:	Final Order With Penalty	PROGRAM:	Mobile Sources
		VIOLATION TYPE:	Reformulated Gasoline

EPA CASE NO.:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE: RCRA	SECT OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
CASE RESULT:	Final Order With Penalty	PROGRAM:	Hazardous Waste Management- C-T
		VIOLATION TYPE:	RCRA Permit Evader

EXHIBIT
tabbies 2006-0141-PCW-C
Addendum

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — PCW Revision May 19, 2005

TCEQ

DATES						
Assigned	19-Dec-2005					
PCW	14-Nov-2007	Screening	21-Dec-2005	EPA Due	14-Jan-2007	

RESPONDENT/FACILITY INFORMATION

Respondent	Total Petrochemicals USA, Inc.		
Reg. Ent. Ref. No.	RN102457520		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	27682	No. of Violations	1
Docket No.	2005-2079-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 205% Enhancement — *Subtotals 2, 3, & 7*: $5,125

Notes: Enhancement for four (4) NOVs without same or similar violations including one (1) self-reported NOV and seven (7) 1660 orders, two (2) federal orders without denial of liability. Reduction for one (1) notice of audit and one (1) disclosure of violations in the past five years at this facility.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent doesn't meet culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

Notes: The Respondent has not yet achieved compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$56
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 — Final Subtotal: $7,625

OTHER FACTORS AS JUSTICE MAY REQUIRE — Adjustment: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $7,625

STATUTORY LIMIT ADJUSTMENT — Final Assessed Penalty: $7,625

DEFERRAL — 0% Reduction — Adjustment: $0

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

Notes: No deferral is offered for a direct referral to Litigation.

PAYABLE PENALTY: $7,625

EXHIBIT tabbies PCW-L

Screening Date 21-Dec-2005 **Docket No.** 2005-2079-AIR-E **PCW**

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

Case ID No. 27682 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

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)*	0	0%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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)*	2	60%
	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*	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)*	1	-2%

		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) **205%**

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> Compliance History Summary

Compliance History Notes

Enhancement for four (4) NOVs without same or similar violations including one (1) self-reported NOV and seven (7) 1660 orders, two (2) federal orders without denial of liability. Reduction for one (1) notice of audit and one (1) disclosure of violations in the past five years at this facility.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **205%**

Screening Date 21-Dec-2005 **Docket No.** 2005-2079-AIR-E **PCW**

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

Case ID No. 27682 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number	1
Primary Rule Cite(s)	Air Quality Permit No. 54026, Special Condition 1
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Texas Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions of 1648.76 pounds (lbs) of Sulfur Dioxide (SO2) during a one hour thirty-six minute emissions event which occured at the South Flare on May 3, 2005. Since the emissions event could have been avoided by good operation practices, Total failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

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

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignficant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $56

Statutory Limit Test

Violation Final Penalty Total $7,625

This violation Final Assessed Penalty (adjusted for limits) $7,625

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 27682
Reg. Ent. Reference No. RN102457520
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	03-May-2005	19-Jun-2006	1.1	$56	n/a	$56
Notes for DELAYED costs	Estimated cost of properly operating a shutdown system on compressor 200. Date required is the date of the emissions event and final date is the estimated compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $56

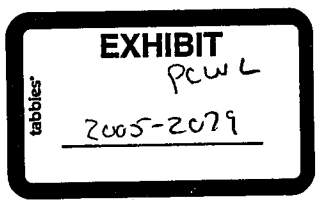
Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 2.94

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 9.27

ID Number(s):

STORMWATER	PERMIT	TXR15NF16
WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	84487
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688



AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	83825
AIR NEW SOURCE PERMITS	EPA ID	P762
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	REGISTRATION	86357
AIR NEW SOURCE PERMITS	REGISTRATION	85036
AIR NEW SOURCE PERMITS	REGISTRATION	84944
AIR NEW SOURCE PERMITS	EPA ID	P762M2
AIR NEW SOURCE PERMITS	REGISTRATION	87865
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1193
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074

STORAGE		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE		
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
COMPLIANCE PLANS		

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 04, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 21, 2000 to December 21, 2005

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

Name: Staff Name Phone: 239 - 1000

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. if Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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: 07/21/2002 ADMINORDER 2002-0148-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E

Classification: Moderate

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

Rqmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E 4

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1D PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 19C PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 1 PERMIT

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

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 46396, SC 4E PERMIT
Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 2 PERMIT
Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E

Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 ls of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO2, 45.5 lbs of NOx, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT
Description: Emitted into the atmosophere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 12/21/2000 (105764)
2 12/21/2000 (105765)
3 12/21/2000 (157223)
4 12/22/2000 (105766)
5 01/22/2001 (157227)
6 01/26/2001 (105767)
7 02/14/2001 (105768)
8 02/21/2001 (157185)
9 02/23/2001 (105769)
10 02/23/2001 (105770)
11 02/23/2001 (105771)
12 02/23/2001 (105772)
13 02/23/2001 (105773)
14 02/23/2001 (105774)
15 02/23/2001 (105775)
16 02/23/2001 (105776)
17 03/01/2001 (105777)
18 03/01/2001 (105778)
19 03/08/2001 (105779)

20	03/21/2001	(157188)
21	03/29/2001	(105780)
22	03/30/2001	(105781)
23	04/23/2001	(157194)
24	05/22/2001	(157198)
25	05/25/2001	(105782)
26	06/01/2001	(105783)
27	06/21/2001	(157202)
28	06/28/2001	(105784)
29	07/19/2001	(105785)
30	07/19/2001	(105786)
31	07/19/2001	(105787)
32	07/19/2001	(105788)
33	07/19/2001	(105789)
34	07/19/2001	(105790)
35	07/19/2001	(105791)
36	07/20/2001	(105792)
37	07/20/2001	(105793)
38	07/20/2001	(105794)
39	07/20/2001	(105795)
40	08/31/2001	(157206)
41	08/31/2001	(157210)
42	09/20/2001	(157213)
43	10/24/2001	(157216)
44	11/19/2001	(157220)
45	12/21/2001	(157224)
46	01/22/2002	(157228)
47	02/22/2002	(157186)
48	03/21/2002	(157189)
49	04/23/2002	(157192)
50	04/23/2002	(157195)
51	04/24/2002	(IE0016486003003
52	05/22/2002	(157199)
53	06/24/2002	(157203)
54	07/22/2002	(157207)
55	07/30/2002	(5633)
56	07/30/2002	(5734)
57	07/30/2002	(5973)
58	08/09/2002	(5238)
59	08/12/2002	(5088)
60	08/21/2002	(157211)
61	08/29/2002	(3801)
62	09/23/2002	(157214)
63	10/18/2002	(157217)
64	10/23/2002	(12544)
65	10/24/2002	(12480)
66	11/05/2002	(16050)
67	11/21/2002	(157221)
68	11/22/2002	(5078)
69	11/26/2002	(16327)
70	12/03/2002	(18034)
71	12/13/2002	(18670)
72	12/20/2002	(157225)
73	01/21/2003	(157229)
74	01/21/2003	(20714)
75	01/28/2003	(22061)
76	02/07/2003	(22079)
77	02/20/2003	(157187)
78	03/19/2003	(157190)

79	04/18/2003	(157196)
80	04/25/2003	(25379)
81	05/08/2003	(33263)
82	05/21/2003	(157200)
83	05/28/2003	(60762)
84	05/30/2003	(60547)
85	06/23/2003	(157204)
86	07/16/2003	(112393)
87	07/21/2003	(157208)
88	08/19/2003	(147506)
89	08/21/2003	(147314)
90	08/21/2003	(295015)
91	08/29/2003	(31893)
92	08/29/2003	(33657)
93	09/22/2003	(295017)
94	10/17/2003	(152374)
95	10/21/2003	(295019)
96	11/10/2003	(140784)
97	11/21/2003	(295020)
98	12/15/2003	(252528)
99	12/17/2003	(253859)
100	12/22/2003	(295021)
101	01/07/2004	(251647)
102	01/14/2004	(259132)
103	01/16/2004	(257106)
104	01/21/2004	(295022)
105	02/18/2004	(262253)
106	02/23/2004	(295004)
107	02/25/2004	(263664)
108	03/05/2004	(258714)
109	03/18/2004	(259900)
110	03/22/2004	(295006)
111	03/30/2004	(332764)
112	04/08/2004	(265693)
113	04/19/2004	(295007)
114	04/23/2004	(264889)
115	04/28/2004	(269294)
116	05/21/2004	(295009)
117	05/25/2004	(271847)
118	06/15/2004	(271209)
119	06/17/2004	(273769)
120	06/17/2004	(275130)
121	06/22/2004	(295011)
122	06/23/2004	(269696)
123	07/12/2004	(269851)
124	07/21/2004	(295013)
125	07/29/2004	(269691)
126	08/16/2004	(281567)
127	08/17/2004	(280413)
128	08/17/2004	(283908)
129	08/17/2004	(286899)
130	08/23/2004	(351943)
131	08/31/2004	(280247)
132	08/31/2004	(285080)
133	09/21/2004	(351944)
134	09/27/2004	(282656)
135	10/21/2004	(351945)
136	11/12/2004	(291212)
137	11/18/2004	(351946)

138	11/29/2004	(337787)
139	12/07/2004	(341531)
140	12/14/2004	(269700)
141	12/17/2004	(351947)
142	01/11/2005	(286852)
143	01/11/2005	(345047)
144	01/11/2005	(345734)
145	01/11/2005	(345742)
146	01/21/2005	(381770)
147	02/21/2005	(381768)
148	03/11/2005	(346656)
149	03/11/2005	(348120)
150	03/11/2005	(350459)
151	03/17/2005	(381769)
152	03/29/2005	(372850)
153	04/22/2005	(419600)
154	04/27/2005	(345893)
155	05/19/2005	(419601)
156	06/15/2005	(394699)
157	06/16/2005	(395449)
158	06/17/2005	(380022)
159	06/17/2005	(395181)
160	06/21/2005	(393771)
161	06/21/2005	(419602)
162	06/27/2005	(375095)
163	06/27/2005	(394004)
164	07/08/2005	(380986)
165	07/12/2005	(379108)
166	07/13/2005	(395545)
167	07/18/2005	(396246)
168	07/18/2005	(398333)
169	07/21/2005	(440742)
170	08/08/2005	(395607)
171	08/08/2005	(400578)
172	08/08/2005	(400586)
173	08/10/2005	(398204)
174	08/14/2005	(400928)
175	08/14/2005	(402622)
176	08/15/2005	(371587)
177	08/15/2005	(399684)
178	08/15/2005	(403311)
179	08/15/2005	(404442)
180	08/19/2005	(440743)
181	08/31/2005	(340674)
182	08/31/2005	(402164)
183	09/19/2005	(440744)
184	10/21/2005	(468272)
185	11/04/2005	(431104)
186	11/04/2005	(435646)
187	11/04/2005	(436336)
188	11/15/2005	(405196)
189	11/15/2005	(434630)
190	11/15/2005	(435255)
191	11/15/2005	(436155)
192	11/15/2005	(436413)
193	11/18/2005	(435774)
194	11/18/2005	(435798)
195	11/18/2005	(435804)
196	11/18/2005	(435866)

197 11/21/2005 (468273)
198 12/07/2005 (435751)
199 12/12/2005 (404612)
200 12/15/2005 (468274)

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

1 Date: 03/30/2004 (332764)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

2 Date: 03/31/2004 (295007) 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

3 Date: 04/26/2004 (264889) CN600582399
Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Citation: WQ 491-000 PERMIT
Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

4 Date: 03/29/2005 (372850)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to maintain vent on ground storage tank.

Date: 11/30/2005 (468274) 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

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
Disclosure Date: 04/10/2003

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.341

Description: Failure to include waste streams directed to the benzene pretreatment oil-water separator in the calculation of TAB.

G. Type of environmental management systems (EMSs).

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

Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA, INC.	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO.:	HQ-2000-0065	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010111	STATUTE:	CAA
		SECT. OF STATUTE:	211
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION:	40CFR
		CITE PART:	80
		CITE SECT.:	101,128,46
CASE RESULT:	Final Order With Penalty	PROGRAM:	Mobile Sources
		VIOLATION TYPE:	Reformulated Gasoline

EPA CASE NO.:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE:	RCRA
		SECT. OF STATUTE:	3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION:	40CFR
		CITE PART:	262
		CITE SECT.:	34
CASE RESULT:	Final Order With Penalty	PROGRAM:	Hazardous Waste Management- C-T
		VIOLATION TYPE:	RCRA Permit Evader

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

TCEQ

DATES						
Assigned	12-Jul-2007					
PCW	26-Jul-2007	Screening	12-Jul-2007	EPA Due	8-Apr-2008	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	34172	No. of Violations	4
Docket No.	2007-1129-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $40,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 222% Enhancement — *Subtotals 2, 3, & 7*: $88,800

Notes: Enhancement for seven (7) 1660 orders, one (1) findings order, One (1) federal order without denial of liability and ten (10) NOVs without same or similar violations, including five (5) self-reported effluent violations. Reduction for one (1) notice of audit and one (1) disclosure of violations.

Culpability — No — 0% Enhancement — *Subtotal 4*: $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5*: $0

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

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

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,606
Approx. Cost of Compliance	$17,800

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $128,800

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment*: $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount: $128,800

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $106,600

DEFERRAL — 0% Reduction — *Adjustment*: $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY: $106,600

PCW - m

Screening Date 12-Jul-2007 **Docket No.** 2007-1129-AIR-E **PCW**

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

Case ID No. 34172 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Daniel Siringi

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*)	0	0%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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*)	1	30%
	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	1	35%
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*)	1	-2%

		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) 222%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven (7) 1660 orders, one (1) findings order, One (1) federal order without denial of liability and ten (10) NOVs without same or similar violations, including five (5) self-reported effluent violations. Reduction for one (1) notice of audit and one (1) disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 222%

Screening Date 12-Jul-2007 **Docket No.** 2007-1129-AIR-E **PCW**

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

Case ID No. 34172 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 1

Rule Cite(s): 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), Federal Operating Permit ("FOP") No. O-1267, General Terms and Conditions and Special Terms and Conditions 27, Air Permit 54026, Special Condition 1 and Texas Health & Safety Code § 382.085(b)

Violation Description: Failed to prevent unauthorized emissions of 7.35 pounds ("lbs") of Hydrogen Sulfide ("H2S") and 675.88 lbs of Sulfur Dioxide ("SO2") during a 14.57 hour ("hr") emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006. Since the emissions event was avoidable, Total failed to meet the demonstrations 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 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 the 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	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $123

Statutory Limit Test

Violation Final Penalty Total $8,050

This violation Final Assessed Penalty (adjusted for limits) $8,050

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34172
Reg. Ent. Reference No. RN102457520
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				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,400	29-Dec-2006	8-Jan-2008	1.0	$123	n/a	$123

Notes for DELAYED costs: Estimated cost of properly maintaining and operating South Flare Unit 804. Date required is the date the emissions event began and the final date is the date Total is expected to complete all corrective actions.

Avoided Costs (ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs))							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,400

TOTAL: $123

Screening Date 12-Jul-2007 **Docket No.** 2007-1129-AIR-E **PCW**

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

Case ID No. 34172 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, General Terms and Conditions and Special Condition 27, Air Permit No. 18936\PSD-TX-762M3, General Condition 8 and Texas Health & Safety Code § 382.085(b)

Violation Description Failed to maintain Volatile Organic Compounds ("VOC") emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006 due to exchanger leaks within the saturated Liquids and Crude Units.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
OR Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment 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 the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 5 138 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $25,000

Five monthly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,207

Statutory Limit Test

Violation Final Penalty Total $80,500

This violation Final Assessed Penalty (adjusted for limits) $80,500

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34172
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$10,000	12-Jun-2006	8-Jan-2008	1.6	$53	$1,050	$1,103
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,400	12-Jul-2006	8-Jan-2008	1.5	$105	n/a	$105
Notes for DELAYED costs	Estimated cost of utilizing monitoring records to determine permitted rates are being exceeded and conducting repairs to prevent leaks at the saturated Liquids and Crude Units. Date required is the first date of the emissions event and the final date is the date Total is expected to complete all the corrective actions.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $11,400 **TOTAL** $1,207

Screening Date 12-Jul-2007 **Docket No.** 2007-1129-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34172

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 3

Rule Cite(s): 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, General Terms and Conditions and Special Condition 27, Air Permit No. 54026, Special Condition 1, Air Permit No. 9195A and PSD-TX-453M6, Special Condition 1 and Texas Health and Safety Code § 382.085(b)

Violation Description: Failed to prevent unauthorized emissions of 229.98 lbs of H2S, 22,144.41 lbs of SO2, 352.24 lbs of Nitrogen Oxide ("NOx"), 666.45 lbs of Carbon Monoxide ("CO"), 19.42 lbs of Particulate Matter ("PM"), 30.76 lbs of VOC, and 10.10 lbs of Ammonia ("NH3") from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006. Since the emissions event was avoidable, Total failed to meet the demonstrations 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 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Beaumont /Port Arthur nonattainment area have been exposed to over 11 tons of pollutants as a result of the violation.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $194

Statutory Limit Test

Violation Final Penalty Total $32,200

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

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34172
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$2,500	29-Nov-2006	8-Jan-2008	1.1	$9	$185	$194
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to develop and implement procedures designed to prevent incorrect setting of the high level alarm for the Acid Gas Knockout Drum V-101. Date required is the date of occurrence and final date is the date Total is expected to complete all corrective actions.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,500

TOTAL $194

Screening Date 12-Jul-2007 **Docket No.** 2007-1129-AIR-E **PCW**

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

Case ID No. 34172 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267 General Terms and Conditions and Special Condition 27, Air Permit No. 54026, Special Condition 1 and Texas Health and Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 13.51 lbs of H2S and 1264.68 lbs of SO2 from the North and South Flares during a 2 hour 42 minute emissions event on December 10, 2006. Since the emissions event was avoidable, Total failed to meet the demonstrations 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 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 the 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	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $81

Statutory Limit Test

Violation Final Penalty Total $8,050

This violation Final Assessed Penalty (adjusted for limits) $8,050

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 34172
Reg. Ent. Reference No. RN102457520
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				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,500	10-Dec-2006	8-Jan-2008	1.1	$81	n/a	$81
Notes for DELAYED costs	Estimated cost of properly training personnel on the operational procedures for the Debutanizer Column Overhead Control Valve. Date required is the date the emissions event began and the final date is the date Total is expected to complete all corrective actions.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,500 **TOTAL** $81

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.04

Regulated Entity: RN102457520 TOTAL PETROCHEMICALS USA PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 11.71

ID Number(s):

WASTEWATER	PERMIT	WQ0000491000
WASTEWATER	PERMIT	TPDES0004201
WASTEWATER	PERMIT	TX0004201
AIR NEW SOURCE PERMITS	PERMIT	16778
AIR NEW SOURCE PERMITS	PERMIT	2347
AIR NEW SOURCE PERMITS	PERMIT	3615
AIR NEW SOURCE PERMITS	PERMIT	5694
AIR NEW SOURCE PERMITS	PERMIT	9194
AIR NEW SOURCE PERMITS	PERMIT	9195
AIR NEW SOURCE PERMITS	PERMIT	10183
AIR NEW SOURCE PERMITS	PERMIT	10908
AIR NEW SOURCE PERMITS	PERMIT	10970
AIR NEW SOURCE PERMITS	PERMIT	11273
AIR NEW SOURCE PERMITS	PERMIT	11710
AIR NEW SOURCE PERMITS	PERMIT	12697
AIR NEW SOURCE PERMITS	PERMIT	14781
AIR NEW SOURCE PERMITS	PERMIT	16423
AIR NEW SOURCE PERMITS	PERMIT	16424
AIR NEW SOURCE PERMITS	PERMIT	16840
AIR NEW SOURCE PERMITS	PERMIT	5694A
AIR NEW SOURCE PERMITS	PERMIT	8983A
AIR NEW SOURCE PERMITS	PERMIT	9195A
AIR NEW SOURCE PERMITS	PERMIT	9194A
AIR NEW SOURCE PERMITS	PERMIT	9193A
AIR NEW SOURCE PERMITS	PERMIT	17352
AIR NEW SOURCE PERMITS	PERMIT	17920
AIR NEW SOURCE PERMITS	PERMIT	18936
AIR NEW SOURCE PERMITS	PERMIT	19490
AIR NEW SOURCE PERMITS	PERMIT	19965
AIR NEW SOURCE PERMITS	PERMIT	20381
AIR NEW SOURCE PERMITS	PERMIT	35330
AIR NEW SOURCE PERMITS	PERMIT	35329
AIR NEW SOURCE PERMITS	PERMIT	36873
AIR NEW SOURCE PERMITS	PERMIT	41280
AIR NEW SOURCE PERMITS	PERMIT	43109
AIR NEW SOURCE PERMITS	PERMIT	43981
AIR NEW SOURCE PERMITS	PERMIT	44046
AIR NEW SOURCE PERMITS	PERMIT	45378
AIR NEW SOURCE PERMITS	PERMIT	46060
AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47047
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	PERMIT	49417
AIR NEW SOURCE PERMITS	PERMIT	49743
AIR NEW SOURCE PERMITS	PERMIT	49982
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	51719
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	PERMIT	56409
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700

EXHIBIT
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PCW m
2007-1129

AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71694
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WATER LICENSING	LICENSE	1230048
WASTEWATER LICENSING	LICENSE	WQ0000491000
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 12, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 12, 2002 to July 12, 2007

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

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

Location: COMPLIANCE PLANS
7600 32ND ST, PORT ARTHUR, TX, 77642 Rating Date: 9/1/2006 Repeat \

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 12, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 12, 2002 to July 12, 2007

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

1660 Effective Date: 07/21/2002 ADMINORDER 2002-0148-AIR-E \

Classification: Moderate

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

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

Rqmt Prov: SC 1 PERMIT
Description: Failure to maintain sulfur dioxide (SO2) and hydrogen sulfife (H2S) emission rates below the allowable emission limit at the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) during an upset which occurred on 7/9/01.

Classification: Moderate

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

Description: Failure to submit a copy of the final record of an upset to the TNRCC regional office no later than two weeks after the end of the upset when the information required in the final report differs from the information submitted in the initial report.

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain emissions below the permitted rate from the south flare (EPN 142) during an upset at Comrpessor C-200 on 9/3-4/2001.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions. During an upset on 11/1/01, the north flare which is designed for emergency use only, released 533.66 pounds of CO, 62.24 lbs of NOX, 553.42 lbs of SO2, 6.0 lbs of H2S and 596.77 lbs of VOCs over 9 hr per.

Classification: Major

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

1660 Effective Date: 09/25/2003 ADMINORDER 2003-0119-AIR-E 2

Classification: Moderate

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

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

1660 Effective Date: 05/14/2004 ADMINORDER 2002-0888-AIR-E 3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the

facility during the second quarter 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

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

Rqmt Prov: Not specified PERMIT
SC2 PERMIT

SC2B PERMIT
SC3H PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340

40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Description: Failure to monitor valves within the Reformer unit.

1660 Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E 4

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: SC 19C PERMIT
Description: Failure to perform stack sampling to establish the actual pattern and quantities of air

contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: GC8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT
Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

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

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

Rqmt Prov: SC1 PERMIT
Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Rqmt Prov: GC 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 9193A and PSD-TX-453M6, SC 2 PERMIT
Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

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

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

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT
Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

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

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

1660 Effective Date: 03/03/2005 ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

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

Classification: Major

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

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

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

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

Classification: Moderate

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

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

Rqmt Prov: 46396, Special Condition 1 PERMIT
Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

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

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

Rqmt Prov: 46396, SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, SC 4E PERMIT
Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

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

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

Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC 2 PERMIT
Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

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1660 Effective Date: 03/21/2005 ADMINORDER 2003-1135-AIR-E

Classification: Major

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

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

Rqmt Prov: MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT
PSD-TX-762M2, MAERT PERMIT

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

8

Findings Effective Date: 05/25/2007 ADMINORDER 2006-1095-AIR-E

Classification: Minor

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

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

Classification: Major

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

Rqmt Prov: 16840 and PSD-TX-688M2 PERMIT
Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

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

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT
Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower during the time described by Incident No. 71740.

See addendum for information regarding federal actions.

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 07/22/2002 (157207)

N/A

2 07/30/2002 (5633)
3 07/30/2002 (5734)
4 07/30/2002 (5973)
5 08/09/2002 (5238)
6 08/12/2002 (5088)
7 08/21/2002 (157211)
8 08/29/2002 (3801)
9 09/23/2002 (157214)
10 10/18/2002 (157217)
11 10/23/2002 (12544)
12 10/24/2002 (12480)
13 11/05/2002 (16050)
14 11/21/2002 (157221)
15 11/22/2002 (5078)
16 11/26/2002 (16327)
17 12/03/2002 (18034)
18 12/13/2002 (18670)
19 12/20/2002 (157225)
20 01/21/2003 (20714)
21 01/21/2003 (157229)
22 01/28/2003 (22061)
23 02/07/2003 (22079)
24 02/20/2003 (157187)
25 03/19/2003 (157190)
26 04/18/2003 (157196)
27 04/25/2003 (25379)
28 05/08/2003 (33263)
29 05/21/2003 (157200)
30 05/28/2003 (60762)
31 05/30/2003 (60547)
32 06/23/2003 (157204)
33 07/16/2003 (112393)
34 07/21/2003 (157208)
35 08/19/2003 (147506)
36 08/21/2003 (147314)
37 08/21/2003 (295015)
38 08/29/2003 (33657)
39 08/29/2003 (31893)
40 09/22/2003 (295017)
41 10/17/2003 (152374)
42 10/21/2003 (295019)
43 11/10/2003 (140784)
44 11/21/2003 (295020)
45 12/15/2003 (252528)
46 12/17/2003 (253859)
47 12/22/2003 (295021)

48	01/07/2004	(251647)
49	01/14/2004	(259132)
50	01/16/2004	(257106)
51	01/21/2004	(295022)
52	02/18/2004	(262253)
53	02/23/2004	(295004)
54	02/25/2004	(263664)
55	03/05/2004	(258714)
56	03/18/2004	(259900)
57	03/22/2004	(295006)
58	03/30/2004	(332764)
59	04/08/2004	(265693)
60	04/19/2004	(295007)
61	04/23/2004	(264889)
62	04/28/2004	(269294)
63	05/21/2004	(295009)
64	05/25/2004	(271847)
65	06/15/2004	(271209)
66	06/17/2004	(275130)
67	06/17/2004	(273769)
68	06/22/2004	(295011)
69	06/23/2004	(269696)
70	07/12/2004	(269851)
71	07/21/2004	(295013)
72	07/29/2004	(269691)
73	08/16/2004	(281567)
74	08/17/2004	(280413)
75	08/17/2004	(286899)
76	08/17/2004	(283908)
77	08/23/2004	(351943)
78	08/31/2004	(280247)
79	08/31/2004	(285080)
80	09/21/2004	(351944)
81	09/27/2004	(282656)
82	10/21/2004	(351945)
83	11/12/2004	(291212)
84	11/18/2004	(351946)
85	11/29/2004	(337787)
86	12/07/2004	(341531)
87	12/14/2004	(269700)
88	12/17/2004	(351947)
89	01/11/2005	(345742)
90	01/11/2005	(286852)
91	01/11/2005	(345734)
92	01/11/2005	(345047)
93	01/21/2005	(381770)
94	02/21/2005	(381768)
95	03/11/2005	(346656)
96	03/11/2005	(350459)
97	03/11/2005	(348120)
98	03/17/2005	(381769)
99	03/29/2005	(372850)
100	04/22/2005	(419600)
101	04/27/2005	(345893)
102	05/19/2005	(419601)
103	06/15/2005	(394699)
104	06/16/2005	(395449)
105	06/17/2005	(380022)
106	06/17/2005	(395181)
107	06/21/2005	(393771)
108	06/21/2005	(419602)

109	06/27/2005	(394004)
110	06/27/2005	(375095)
111	07/08/2005	(380986)
112	07/12/2005	(379108)
113	07/13/2005	(395545)
114	07/18/2005	(398333)
115	07/18/2005	(396246)
116	07/21/2005	(440742)
117	08/08/2005	(400586)
118	08/08/2005	(400578)
119	08/08/2005	(395607)
120	08/10/2005	(398204)
121	08/14/2005	(402622)
122	08/14/2005	(400928)
123	08/15/2005	(404442)
124	08/15/2005	(399684)
125	08/15/2005	(403311)
126	08/15/2005	(371587)
127	08/19/2005	(440743)
128	08/31/2005	(340674)
129	08/31/2005	(402164)
130	09/19/2005	(440744)
131	10/21/2005	(468272)
132	11/04/2005	(431104)
133	11/04/2005	(436336)
134	11/04/2005	(435646)
135	11/15/2005	(405196)
136	11/15/2005	(436413)
137	11/15/2005	(435255)
138	11/15/2005	(436155)
139	11/15/2005	(434630)
140	11/18/2005	(435866)
141	11/18/2005	(435774)
142	11/18/2005	(435804)
143	11/18/2005	(435798)
144	11/21/2005	(468273)
145	12/07/2005	(435751)
146	12/12/2005	(404612)
147	12/15/2005	(468274)
148	01/18/2006	(449944)
149	01/19/2006	(440180)
150	01/19/2006	(439503)
151	01/23/2006	(468275)
152	01/24/2006	(452104)
153	02/06/2006	(437341)
154	02/07/2006	(453479)
155	02/07/2006	(450128)
156	02/13/2006	(450178)
157	02/13/2006	(450341)
158	02/15/2006	(454193)
159	02/21/2006	(468270)
160	02/24/2006	(452413)
161	02/24/2006	(450992)
162	03/21/2006	(468271)
163	04/10/2006	(454251)
164	04/18/2006	(455136)
165	04/21/2006	(498089)
166	04/28/2006	(462859)
167	05/11/2006	(461924)
168	05/11/2006	(463343)
169	05/11/2006	(465492)
170	05/11/2006	(465525)
171	05/11/2006	(464460)

172 05/11/2006 (464168)
173 05/11/2006 (464473)
174 05/11/2006 (464467)

175 05/11/2006 (465518)
176 05/11/2006 (465489)
177 05/12/2006 (463148)
178 05/12/2006 (451451)
179 05/12/2006 (454148)
180 05/12/2006 (454494)
181 05/22/2006 (498090)
182 05/22/2006 (464542)
183 05/30/2006 (461199)
184 06/14/2006 (480809)
185 06/22/2006 (498091)
186 06/28/2006 (465850)
187 07/21/2006 (520109)
188 07/25/2006 (482058)
189 07/27/2006 (485194)
190 08/23/2006 (520110)
191 08/31/2006 (460545)
192 09/19/2006 (520111)
193 09/22/2006 (510639)
194 10/20/2006 (544367)
195 11/15/2006 (517804)
196 11/22/2006 (544368)
197 12/21/2006 (544369)
198 12/28/2006 (335708)
199 12/29/2006 (431565)
200 01/12/2007 (531450)
201 01/18/2007 (532164)
202 01/23/2007 (544370)
203 01/29/2007 (531801)
204 02/01/2007 (538715)
205 02/01/2007 (537518)
206 02/02/2007 (497612)
207 02/05/2007 (466788)
208 02/14/2007 (539270)
209 02/14/2007 (540328)
210 02/23/2007 (540617)
211 03/19/2007 (538927)
212 04/09/2007 (542889)
213 04/21/2007 (540306)
214 05/02/2007 (557540)
215 05/17/2007 (554816)
216 05/18/2007 (554787)
217 05/21/2007 (558572)
218 06/28/2007 (558540)
219 07/10/2007 (565190)
220 07/11/2007 (560069)
221 07/11/2007 (542342)

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

NS 1 Date 03/30/2004 (332764) Classification Moderate
Self Report? NO
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

NS 2 Date 03/31/2004 (295007) Classification Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

NS 3 Date 04/26/2004 (264889)

Self Report? NO Classification Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT WQ 491-000

Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

NS 4 Date 03/29/2005 (372850)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure to have a monitoring plan.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

Description: Failure to maintain vent on ground storage tank.

NS 5 Date 11/30/2005 (468274)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

NS 6 Date 01/31/2006 (468270)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

NS 7 Date 04/10/2006 (454251)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PERMIT PC, 2g

Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT OpR, No. 1

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification Minor

Rqmt Prov: PERMIT Opr, No. 1

Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

NS 8 Date 05/31/2006 (461199)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: The facility failed to update the notice of registration

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

NS 9 Date 06/30/2006 (520109)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

NS 10 Date 12/31/2006 (544370)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

F. Environmental audits.

Notice of Intent Date: 08/06/2002 (29718)
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

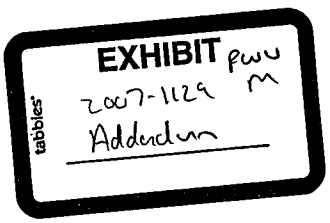
Addendum to Compliance History
Federal Enforcement Actions

CUSTOMER (Defendant):	TOTAL PETROCHEMICALS USA, INC.	CUSTOMER NO.:	CN600582399
REGULATED ENTITY:	ATOFINA PETROCHEMICALS PORT ARTHUR COMPLEX	REG. ENTITY NO.:	RN102457520
REG. ENTITY ADDRESS:	HIGHWAY 366 AND 32ND STREET		
REG. ENTITY CITY:	PORT ARTHUR		

Violations

EPA CASE NO.:	HQ-2000-0065	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20010111	STATUTE: CAA	SECT. OF STATUTE: 211
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 80 CITE SECT.: 101,128,46
CASE RESULT:	Final Order With Penalty	PROGRAM:	Mobile Sources
		VIOLATION TYPE:	Reformulated Gasoline

EPA CASE NO.:	06-2002-0901	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20021008	STATUTE: RCRA	SECT. OF STATUTE: 3005
ENFORCEMENT ACTION TYPE:	Administrative Penalty Order	CITATION: 40CFR	CITE PART: 262 CITE SECT.: 34
CASE RESULT:	Final Order With Penalty	PROGRAM:	Hazardous Waste Management- C-T
		VIOLATION TYPE:	RCRA Permit Evader



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED ORDER
DOCKET NO. 2007-0172-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TOTAL Petrochemicals USA, Inc. ("TOTAL") under the authority of TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382 and 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60. The Executive Director of the TCEQ, represented by the Litigation Division, and TOTAL, represented by David Savage of the law firm of Baker Botts L.L.P., presented this agreement to the Commission.

TOTAL understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, TOTAL agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon TOTAL.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. TOTAL owns and operates a petroleum refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During investigations conducted on December 23, 27, and 31, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

   a. Failed to properly submit a final record for 24 emissions events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004; and

   b. Failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which sulfur dioxide (SO_2), hydrogen sulfide (H_2S), volatile organic compounds (VOCs), carbon monoxide (CO), and oxides of nitrogen (NOx) from Emission Point Numbers (EPNs) 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE, as shown in the attached Table One. Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. During an investigation conducted on December 23, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

   a. Failed to prevent unauthorized emission releases. Beginning on January 26, 2004, EPN 55RGNFLUGS at the Fluidized Catalytic Cracking Unit (FCCU) released 13,491.01 pounds (lbs) of CO in excess of limits and 12,714.71 lbs of SO_2 in excess of limits, intermittently for 72 hours (hrs) during a 356 hr period; no information available on the amount of particulate matter (PM) released. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense 30 TEX. ADMIN. CODE § 101.222; and

   b. Failed to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 minute (min) period, the South Flare, EPN 142, released 5,073.07 lbs of SO_2 in excess of the limit of 0.34 lbs/hr. Since the emissions events were not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

5. During investigations conducted on December 23 and 31, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to submit a final record no later than two weeks after the end of the emissions event or scheduled activity causing the emissions. Three final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event

that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004.

6. During an investigation conducted on December 27, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

   a. Failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO_2 and H_2S as shown in the attached Table One. Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222;

   b. Failed to properly operate EPN 53SOUTHFLR. During an eighteen minute time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds; and

   c. Failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO_2 and 469.74 lbs of H_2S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO_2 and 672.32 lbs of H_2S were emitted above limits. Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

7. During investigations conducted on April 13 and 22, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

   a. Failed to completely speciate the VOC emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and to specify the presence and quantity of CO released during an April 22, 2005, emissions event in its final report; and

   b. Failed to electronically submit the final report for the emissions event that began on November 14, 2004, and to notify the TCEQ within 24 hrs of the April 22, 2005, emissions event.

8. During an investigation conducted on December 13, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized emissions above permitted limits. Specifically, on October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr

period. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

9. During an investigation conducted on April 13, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approximately 254 lbs of H_2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approximately 86 lbs of H_2S, 1,574 lbs of SO_2, and 7,964 lbs of VOC in excess of permitted limits during a 20.27 hr period. Since the Emissions events were not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

10. During an investigation conducted on April 22, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

    a. Failed to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222; and

    b. Failed to maintain the SO_2 and NOx concentrations below the maximum allowable limits. FCCU Flue gas vent Stack's continuous emissions monitoring system (CEMS) documented an average hourly SO_2 concentration greater than 50 parts per million by volume (ppm) from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005.

11. During investigations conducted October 13 through 27, 2004, and December 9, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations – Startup, Shutdown, and Maintenance (SSM) activities. Two such events began on August 16 and September 21, 2003, respectively. Since the first emissions event was inaccurately reported and avoidable and the second event was reported late and avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

12. During an investigation conducted October 13 through 27, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

a. Failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations – SSM activities, during an emissions event which began on February 8, 2003. Since this emissions event was reported late, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222;

b. Failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8 – 22, 2003, with respect to EPN 307 and the reportable emission events of September 21 – 21, 2003, with respect to EPNs 307 and 142; and

c. Failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003. Since this emissions event was avoidable, TOTAL failed to meet the demonstrations of an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

13. During an investigation conducted on December 9, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 – 17, 2003, on two occasions with respect to EPN 307.

14. During an investigation conducted October 20 through November 19, 2004, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

a. Failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions events occurring between December 31, 2003, and August 18, 2004. Note that some emissions events had two such reports, one for VOC and one for other emissions;

b. Failed to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final record as required for an emissions event which began January 30, 2004;

c. Failed to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the Maximum Allowable Emission Rate Table (MAERT). Since these emissions events were inaccurately reported or reported late, TOTAL failed to meet the

demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222;

d. Failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO_2 for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NOx and VOC emissions were not reported. Since this emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222;

e. Failed to maintain an emission rate below the permitted limit. The Shell Claus Offgas Treater (SCOT) Tailgas Incinerator (EPN 125) had the following unauthorized emission event release in excess of the MAERT limit of 38 lbs/hr for SO_2 and 1.88 lbs/hr for H_2S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H_2S and 9,380 lbs of SO_2. Since this emissions event was inaccurately reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222; and

f. Failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lbs/hr for SO_2 and 1.88 lb/hr for H_2S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lbs of H_2S and 21,036 lbs of SO_2. Since this emissions event was inaccurately reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

15. During record reviews conducted on January 4, January 7, and February 7, 2005, it was documented that TOTAL failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39419, 39420, 39529, 39759, and 39788.

16. During record reviews conducted on January 4, 2005, and February 7, 2005, it was documented that TOTAL failed to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically, a final report was not submitted for Incident No. 40025 within 14 days. Also failed to submit the initial reports within 24 hrs for Incidents 39529 and 39788.

17. During investigations conducted on January 7, February 3, and February 7, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL emitted into the atmosphere unauthorized air contaminants during 15 emissions events. Since these emission

events were avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 may not be claimed for the emissions.

18. During an investigation conducted on January 4, 2006, a TCEQ Beaumont Regional Office investigator documented that TOTAL emitted into the atmosphere unauthorized air contaminants during four emission events. Since these emission events were avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 may not be claimed for the emissions.

19. During investigations conducted on March 29 – 31, and May 1 – 2, 2004, a TCEQ Beaumont Regional Investigator documented that TOTAL:

    a. Failed to maintain the minimum flame temperature at the Sulfur Recovery Unit (SRU) Thermal Reactor [EPN F310] when processing sour water stripping gas;

    b. Failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004;

    c. Failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, H_2S breakthrough was discovered at the canisters. However, the spent media was replaced six days later;

    d. Failed to maintain an emission limit below the maximum allowable concentration for NO_x and SO_2 at the FCCU flue gas vent (EPN 55RGNFLUGS); and

    e. Failed to maintain the NOx emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR) during the time period from January 7 to February 28, 2004.

    f. Failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004; and

    g. Failed to maintain a firing rate of 63 million British thermal units per hour ("MMBtu/hr") or less at the Benzene-Toluene-Xylene ("BTX") Heater H-52 on February 3 and 4, 2004.

20. During an investigation conducted on April 29, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the

North Flare (5) (EPN 41NORTHFLR) on April 28, 2004.

21. During investigations conducted on April 20, 29, and 30, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly report an emissions event which occurred on June 21, 2003; and

    b. Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003.

22. During an investigation conducted on May 14, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly report an emissions event which occurred on February 25-27, 2003;

    b. Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003;

    c. Failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003;

    d. Failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003;

    e. Failed to satisfy the final reporting requirements for a reportable emission event which occurred on May 1-3, 2003; and

    f. Failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridle of the Depentanizer Overhead Drum on May 1-3, 2003.

23. During investigations conducted on April 22, 27, and 30, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003; and

    b. Failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and prevent unauthorized emissions from the Sour Water

Stripper 2 line during the emissions event on July 17, 2003.

24. During an investigation conducted on July 27, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly report an emissions event that occurred at Natural Gas Liquid ("NGL") Sphere 848 on March 16-17, 2004;

    b. Failed to prevent the unauthorized release of 10 lbs of benzene from NGL Sphere 848 on March 16-17, 2004.

25. During an investigation conducted on July 1, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003, and ended on December 23, 2004;

    b. Failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23, 2003; and

    c. Failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open.

26. During investigations conducted on December 10, 2003, January 7, 2004, and February 18, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly report three emissions events which began on December 9, 2003, at 6:25 p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hrs after the discovery of the incidents. In addition, the report for SRU 1 listed an incorrect air permit number for the SRU and North Flare;

    b. Failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares. The reports for both flares had incorrect air permit numbers on them; and

    c. Failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003, through December 14, 2003.

27. During an investigation conducted April 7-13, 2004, a TCEQ Beaumont Regional Office Investigator documented that TOTAL:

    a. Failed to properly report an emissions event that occurred at the Area 1 Naphtha Aromatics Complex (NAC) which began on November 9, 2003. The event was not reported within 24 hrs, and the cause of the event was not complete in the report;

    b. Failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO_2, and NOx, respectively. During the incident, the South Flare released 6,785.7 lbs of SO_2, and 169 lbs of NOx; and

    c. Failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003, when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO_2 and H_2S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO_2 and 100 lbs of H_2S. The North Flare has an emission limit of 10.66 lbs/hr for SO_2. During the incident, the flare released 1,212 lbs of SO_2 over a 1.8 hr period.

28. During an inspection conducted on August 8, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

    a. Failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event. The event was discovered on October 31, 2004, at 0919 hrs and was reported on November 1, 2004, at 1132 hrs; and

    b. Failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO_2 were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO_2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event. Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

29. During an inspection conducted on August 15, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized VOC emissions of 432 lbs on November 8, 2004. Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

30. During an inspection conducted on September 1, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized emissions of 1648.76 lbs of SO_2 during a one hr thirty-six minute emissions event which occurred at the South Flare on May 3, 2005. Since the emissions event could have been avoided by good operation practices, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

31. During a record review conducted on January 12, 2006, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

    a. Failed to maintain the VOCs emission rate below 7.56lb/hr at the FPM Cooling Tower between May 17, 2005, and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7 – 27, and December 14 – 15, 2005, released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively; and

    b. Failed to maintain the VOCs emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15 until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1062.6 lbs of toluene, and 88.8 lbs of Xylene (a total of 1,712.2 lbs of VOCs) occurred.

32. During record reviews conducted on December 30, 2005, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

    a. Failed to prevent unauthorized emissions of 1835.42 lbs of SO_2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005. Since the emissions event was reported late, the respondent failed to meet the demonstrations for the affirmative defense in 30 TEX. ADMIN. CODE § 101.222; and

    b. Failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005, at 1145 hrs, but was not reported until June 20, 2005, at 1553 hrs, in excess of the 24 hr reporting requirement.

33. During an inspection conducted on January 27, 2006, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005, due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4--Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of

VOC, and 194.61 lbs of Xylene were released. Since this event was avoidable, the respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

34. During an investigation conducted on November 7, 2006, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to report the occurrence of deviations in a Semiannual Deviation Report ("SDR"), failed to submit an Annual Compliance Certification ("ACC"), and failed to properly certify a SDR. Specifically, TOTAL failed to properly certify their SDR for the period of May 14, 2005, to November 13, 2005, failed to report a deviation in the November 14, 2005, to May 14, 2006, SDR, and failed to submit an ACC for the period of May 14, 2005, to May 14, 2006.

35. During an investigation conducted April 27 - May 8, 2007, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized emissions of 7.35 lbs of H_2S and 675.88 lbs of SO_2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006. Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

36. During an investigation conducted on April 26, 2007, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units.

37. During an investigation conducted on June 14, 2007, a TCEQ Beaumont Regional Office investigator documented that TOTAL:

    a. Failed to prevent unauthorized emissions of 229.98 lbs of H_2S, 22,144.41 lbs of SO_2, 352.24 lbs of NOx, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of Ammonia ("NH_3") from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006. Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222; and

    b. Failed to prevent unauthorized emissions of 13.51 lbs of H_2S and 1264.68 lbs of SO_2 from the North and South Flares during a 2 hr 42 minute emissions event on December 10, 2006. Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

38. During an investigation conducted January 22, 2007, to February 1, 2007, a TCEQ Beaumont Regional Office investigator documented that TOTAL failed to prevent unauthorized emissions of 99.28 lbs of H_2S and 9,078.06 lbs of SO_2 from Unit 835. The permitted limits for H_2S and SO_2 are 0.12 lbs/hr and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006, and lasted for 5 hrs and 14 minutes. Since the emissions event could have been avoided by better operation and maintenance practices, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

39. TOTAL received notices of the violations on March 10, 2004, May 3, 2004, May 30, 2004, June 22, 2004, July 11, 2004, July 17, 2004, August 4, 2004, August 22, 2004, August 13, 2005, August 20, 2005, December 17, 2005, February 12, 2006, January 29, 2006, and March 24, 2007.

40. The Executive Director recognizes that TOTAL has implemented the following corrective measures at the Plant in response to this enforcement action:

    a. With respect to the November 8, 2004, event, TOTAL eliminated the excess emissions by draining the contents of Tank 476 and refloating its roof;

    b. With respect to the May 3, 2005, event, TOTAL corrected the cause of the event by repairing the faulty level controller on the C-200 Compressor that caused the overload in the FGRCS unit;

    c. With respect to the heat exchanger leak from May 17, 2005, to December 15, 2005, at the FPM Cooling Tower at Area 1, TOTAL corrected the cause of the event by repairing the leaking heat exchanger 02E-21A/B XTR in ACU-1;

    d. With respect to VOC emissions from the 805 Reformer Cooling Tower, TOTAL repaired the leak, increased its addition of water treatment chemicals to reduce corrosion, and increased the frequency of its monitoring activities;

    e. With respect to the August 19, 2005, and October 8, 2003, events, TOTAL eliminated the excess emissions by removing the off-specification material from Tank 532 and refloating the roof and repairing the position switch on the SCOT feed on the SWS-1;

    f. With respect to the November 29, December 10, and December 29, 2006, events, TOTAL corrected the causes of these events by repairing the faulty level controller on V-101 in the SCOT unit, repairing components on the faulty pressure controller

on the Debutanizer Tower in the Reformer, and purging the reactor during start-up of the TDP; and

g. With respect to the July 17, 2006, event, TOTAL corrected the cause of the event by repairing the faulty pressure controller on the Debutanizer Tower in the FCCU.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, TOTAL is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., TOTAL has failed to properly submit a final record for 24 emissions events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(4), (b)(7), (b)(8), and (b)(10) and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 3.b., TOTAL has failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO_2, H_2S, VOCs, CO, and NOx from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE in violation of TCEQ Air Permit No. 54026, Special Condition (SC) 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

4. As evidenced by Finding of Fact No. 4.a., TOTAL has failed to prevent unauthorized emission releases. Beginning on January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO_2 in excess of limits, intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released, in violation of TCEQ Air Permit No. 18936/PSD-TX-762M2, General Condition (GC) 8, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), formerly (G), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

5. As evidenced by Finding of Fact No. 4.b., TOTAL has failed to prevent unauthorized

emission releases. Beginning on June 13, 2003, during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO_2 in excess of the limit of 0.34 lbs/hr, in violation of TCEQ Air Permit No. 18936/PSD-TX-762M2, MAERT, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), formerly (G), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions events were not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

6. As evidenced by Finding of Fact No. 5, TOTAL has failed to submit a final record no later than two weeks after the end of the emissions event or scheduled activity causing the emissions. Three final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(7), (b)(8), and (c) and 101.211(c) and TEX. HEALTH & SAFETY CODE § 382.085(b).

7. As evidenced by Finding of Fact No. 6.a., TOTAL has failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO_2 and H_2S in violation of TCEQ Air Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

8. As evidenced by Finding of Fact No. 6.b., TOTAL has failed to properly operate EPN 53SOUTHFLR. During an 18 min time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds, in violation of TCEQ Air Permit No. 54026, SC 4 and 5, 30 TEX. ADMIN. CODE §§ 101.20, 111.111(a)(4), 113.100, 113.34, and 116.115(c), 40 Code of Federal Regulations (CFR) §§ 60.18(c) and 63.11(a), and TEX. HEALTH & SAFETY CODE § 382.085(b).

9. As evidenced by Finding of Fact No. 6.c., TOTAL has failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO_2 and 469.74 lbs of H_2S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO_2 and 672.32 lbs of H_2S were emitted above limits, in violation of TCEQ Air Permit No. 9195A/PSD-TX-TX453M6, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions events were avoidable or not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

10. As evidenced by Finding of Fact No. 7.a., TOTAL has failed to completely speciate the VOC emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and failed to specify the presence and quantity of CO released during an April 22, 2005, emissions event in its final report, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b).

11. As evidenced by Finding of Fact No. 7.b., TOTAL has failed to electronically submit the final report for the emissions event that began on November 14, 2004, and failed to notify the TCEQ within 24 hrs of the April 22, 2005, emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a) and (g) and TEX. HEALTH & SAFETY CODE § 382.085(b).

12. As evidenced by Finding of Fact No. 8, TOTAL has failed to prevent unauthorized emissions above permitted limits. Specifically, on October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr period, in violation of TCEQ Air Permit No. 49743, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

13. As evidenced by Finding of Fact No. 9, TOTAL has failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approximately 254 lbs of H_2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approximately 86 lbs of H_2S, 1,574 lbs of SO_2, and 7,964 lbs of VOC in excess of permitted limits during a 20.27 hr period, in violation of TCEQ Air Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the Emissions events were not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

14. As evidenced by Finding of Fact No. 10.a., TOTAL has failed to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period, in violation of TCEQ Air Permit No. 18936/PSD-TX-762M2, GC 8, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

15. As evidenced by Finding of Fact No. 10.b., TOTAL has failed to maintain the SO_2 and NOx concentrations below the maximum allowable limits. FCCU flue gas vent stack's CEMS

documented an average hourly SO_2 concentration greater than 50 ppm by volume from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005, in violation of TCEQ Air Permit No. 18936/PSD-TX-762M2, SC 1A and 8, 30 TEX. ADMIN. CODE §§ 101.20(1) and (3) and 116.115(c), 40 CFR § 60.104(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).

16. As evidenced by Finding of Fact No. 11, TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations – SSM activities. Two such events began on August 16 and September 21, 2003, respectively, in violation of TCEQ Air Permit No. 9193A/PSD-TX-453M6, MAERT, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the first emissions event was inaccurately reported and avoidable and the second event was reported late and avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

17. As evidenced by Finding of Fact No. 12.a., TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations – SSM activities, during an emissions event which began on February 8, 2003, in violation of TCEQ Air Permit No. 9193A/PSD-TX-453M6, MAERT, 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was reported late, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

18. As evidenced by Finding of Fact No. 12.b., TOTAL has failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8 – 22, 2003, with respect to EPN 307 and the reportable emission events of September 21, 2003, with respect to EPNs 307 and 142, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (a)(2)(D) and TEX. HEALTH & SAFETY CODE § 382.085(b).

19. As evidenced by Finding of Fact No. 12.c., TOTAL has failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003, in violation of TCEQ Air Permit No. 18936/PSD-TX-762M2, MAERT (June 18, 2003), 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, TOTAL failed to meet the demonstrations of an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

20. As evidenced by Finding of Fact No. 13, TOTAL has failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 – 17, 2003, on two occasions

with respect to EPN 307, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(2)(D) and (b)(4) and TEX. HEALTH & SAFETY CODE § 382.085(b).

21. As evidenced by Finding of Fact No. 14.a., TOTAL has failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions event occurring between December 31, 2003, and August 18, 2004, in violation of 30 TEX. ADMIN. CODE § 101.211(b)(8) and (b)(9) and TEX. HEALTH & SAFETY CODE § 382.085(b). Note that some emissions events had two such reports, one for VOC and one for other emissions.

22. As evidenced by Finding of Fact No. 14.b., TOTAL has failed to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final records as required for an emissions event which began January 30, 2004, in violation of 30 TEX. ADMIN. CODE § 101.211(c) and TEX. HEALTH & SAFETY CODE § 382.085(b).

23. As evidenced by Finding of Fact No. 14.c., TOTAL has failed to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the MAERT, in violation of TCEQ Air Permit No. 54026, SC 1 and MAERT, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions events were inaccurately reported or reported late, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

24. As evidenced by Finding of Fact No. 14.d., TOTAL has failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO_2 for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NOx and VOC emissions were not reported, in violation of TCEQ Air Permit No. 54026, SC 1 and MAERT, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

25. As evidenced by Finding of Fact No. 14.e., TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO_2 and 1.88 lbs/hr for H_2S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H_2S and 9,380 lbs of SO_2, in violation of TCEQ Air Permit No. 9195A/PSD-TX-453M6, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was inaccurately reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

26. As evidenced by Finding of Fact No. 14.f., TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO_2 and 1.88 lb/hr for H_2S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H_2S and 21,036 lb of SO_2, in violation of TCEQ Air Permit No. 9195A/PSD-TX-453M6, SC 1, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was inaccurately reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

27. As evidenced by Finding of Fact No. 15, TOTAL has failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39419, 39420, 39529, 39759, and 39788, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(4), (7), and (8), 101.211(b)(5), (8), and (9) and TEX. HEALTH & SAFETY CODE § 382.085(b).

28. As evidenced by Finding of Fact No. 16, TOTAL has failed to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically, a final report was not submitted for Incident No. 40025 within 14 days. Also failed to submit the initial reports within 24 hrs for Incidents 39529 and 39788, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b).

29. As evidenced by Finding of Fact No. 17, TOTAL has emitted into the atmosphere unauthorized air contaminants during 15 emissions events, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a), 116.115(b)(2)(F), and (c), Permit Nos. 9193A, PSD-TX-453M6, Maximum Allowable Emission Sources – SC 2, 9195A, PSD-TX-453M6, MAERT – SC1, 54026 MAERT – SC1, 18936, PSD-TX-762M2, General Condition 8, 49743, MAERT – SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emission events were avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 may not be claimed for the emissions.

30. As evidenced by Finding of Fact No. 18, TOTAL has emitted into the atmosphere unauthorized air contaminants during 4 emission events, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), and (c), Permit Nos. 9193A, PSD-TX-453M6, Maximum Allowable Emission Sources – SC2, 9195A, PSD-TX-453M6, Maximum Allowable Emission Sources – SC1, 49743, MAERT – SC1, 54026, MAERT – SC1, and TEX. HEALTH

& SAFETY CODE § 382.085(b). Since these emission events were avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 may not be claimed for the emissions.

31. As evidenced by Finding of Fact No. 19.a., TOTAL has failed to maintain the minimum flame temperature at the SRU Thermal Reactor [EPN F310] when processing sour water stripping gas, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 9195A/PSD-TX-453M6 SC 5, and TEX. HEALTH & SAFETY CODE § 382.085(b).

32. As evidenced by Finding of Fact No. 19.b., TOTAL has failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 9195A/PSD-TX453M6 SC6, and TEX. HEALTH & SAFETY CODE § 382.085(b).

33. As evidenced by Finding of Fact No. 19.c., TOTAL has failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, H_2S breakthrough was discovered at the canisters. However, the spent media was replaced 6 days later, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 17352 SC 4C, and TEX. HEALTH & SAFETY CODE § 382.085(b).

34. As evidenced by Finding of Fact No. 19.d., TOTAL has failed to maintain an emission limit below the maximum allowable concentration for NO_x and SO_2 at the FCCU flue gas vent (EPN 55RGNFLUGS), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 18936/PSD-TX-762M2 SC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b).

35. As evidenced by Finding of Fact No. 19.e., TOTAL has failed to maintain the NOx emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBLR) and 350 (EPN 61STKBLR) during the time period from January 7 to February 28, 2004, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 43109 SC 3A, and TEX. HEALTH & SAFETY CODE § 382.085(b).

36. As evidenced by Finding of Fact No. 19.f., TOTAL has failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 46396 SC 5B, and TEX. HEALTH & SAFETY CODE § 382.085(b).

37. As evidenced by Finding of Fact No. 19.g., TOTAL has failed to maintain a firing rate of 63 MMBtu/hr or less at the BTX Heater H-52 on February 3 and 4, 2004, in violation of Standard Exemption 106 (effective October 5, 1995) and TEX. HEALTH & SAFETY CODE § 382.085(b).

38. As evidenced by Finding of Fact No. 20, TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit Nos. 54026 SC1 and 9195A/PSD-TX-453M6 SC1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

39. As evidenced by Finding of Fact No. 21.a., TOTAL has failed to properly report an emissions event which occurred on June 21, 2003, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(7) and (8) and TEX. HEALTH & SAFETY CODE § 382.085(b).

40. As evidenced by Finding of Fact No. 21.b., TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), Permit 18936/PSD-TX-762M2, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).

41. As evidenced by Finding of Fact No. 22.a., TOTAL has failed to properly report an emissions event which occurred on February 25-27, 2003, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(7) and (b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b).

42. As evidenced by Finding of Fact No. 22.b., TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), Permit 18936/PSD-TX-762M2, and TEX. HEALTH & SAFETY CODE § 382.085(b).

43. As evidenced by Finding of Fact No. 22.c., TOTAL has failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b).

44. As evidenced by Finding of Fact No. 22.d., TOTAL has failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003, in violation of TEX. HEALTH & SAFETY CODE § 382.085(a).

45. As evidenced by Finding of Fact No. 22.e., TOTAL has failed to satisfy the final reporting requirements for a reportable emission event which occurred on May 1-3, 2003, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(7) and TEX. HEALTH & SAFETY CODE § 382.085(b).

46. As evidenced by Finding of Fact No. 22.f., TOTAL has failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridle of the Depentanizer Overhead Drum on May 1-3, 2003, in violation of TEX. HEALTH & SAFETY CODE § 382.085(a).

47. As evidenced by Finding of Fact No. 23.a., TOTAL has failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and (a)(2)(D) and TEX. HEALTH & SAFETY CODE § 382.085(b).

48. As evidenced by Finding of Fact No. 23.b., TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and failed to prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), Permit 18936/PSD-TX-762M2, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).

49. As evidenced by Finding of Fact No. 24.a., TOTAL has failed to properly report an emissions event that occurred at NGL Sphere 848 on March 16-17, 2004, in violation of 30 TEX. ADMIN. CODE § 101.201(b) and TEX. HEALTH & SAFETY CODE § 382.085(b).

50. As evidenced by Finding of Fact No. 24.b., TOTAL has failed to prevent the unauthorized release of ten lbs of benzene from NGL Sphere 848 on March 16-17, 2004, in violation of TEX. HEALTH & SAFETY CODE § 382.085(a).

51. As evidenced by Finding of Fact No. 25.a., TOTAL has failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003, and ended on December 23, 2004, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

52. As evidenced by Finding of Fact No. 25.b., TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTHFLR) on December 22-23, 2003, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Permit No. 54026 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

53. As evidenced by Finding of Fact No. 25.c., TOTAL has failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and failed to prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit No. 9193A/PSD-TX-453M6 SC 2, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b).

54. As evidenced by Finding of Fact No. 26.a., TOTAL has failed to properly report three emissions events which began on December 9, 2003, at 6:25 p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hrs after the discovery of the incidents. In addition, the report for SRU 1, listed an incorrect air permit number for the SRU and North Flare, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (b)(8), and TEX. HEALTH & SAFETY CODE § 382.085(b).

55. As evidenced by Finding of Fact No. 26.b., TOTAL has failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares. The reports for both flares had incorrect air permit numbers on them, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(8) and TEX. HEALTH & SAFETY CODE § 382.085(b).

56. As evidenced by Finding of Fact No. 26.c., TOTAL has failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003, through December 14, 2003, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 111.111(a)(4)(A)(i), 116.115(c), Permit Nos. 9195A/PSD-TX-453M6 SC 1, and 54026 SC 1 and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b).

57. As evidenced by Finding of Fact No. 27.a., TOTAL has failed to properly report an emissions event that occurred at the Area 1 NAC which began on November 9, 2003. The event was not reported within 24 hrs, and the cause of the event was not complete in the report, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and (b)(10) and TEX. HEALTH & SAFETY CODE § 382.085(b).

58. As evidenced by Finding of Fact No. 27.b., TOTAL has failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO_2, and NOx, respectively. During the incident, the South Flare released 6,785.7 lbs of SO_2, and 169 lbs of NOx, in violation of 30 TEX. ADMIN. § 116.115(c), Permit No. 54026 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).

59. As evidenced by Finding of Fact No. 27.c., TOTAL has failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO_2 and H_2S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO_2 and 100 lbs of H_2S. The North Flare has an emission limit of 10.66 lbs/hr for SO_2. During the incident, the flare released 1,212 lbs of SO_2 over a 1.8 hr period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), Permit Nos. 54026 SC 1,

9195A/PSD-TX-453M6 SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b).

60. As evidenced by Finding of Fact No. 28.a., TOTAL has failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event. The event was discovered on October 31, 2004 at 0919 hrs and was reported on November 1, 2004 at 1132 hrs, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

61. As evidenced by Finding of Fact No. 28.b., TOTAL has failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO_2 were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO_2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event, in violation of Air Permit No. 18936/PSD-TX-762M2, GC No. 8 and SC 1A, 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), 40 CFR 60.104(b)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not properly reported, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

62. As evidenced by Finding of Fact No. 29, TOTAL has failed to prevent unauthorized VOC emissions of 432 lbs on November 8, 2004, in violation of Air Permit No. 49743, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c) and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

63. As evidenced by Finding of Fact No. 30, TOTAL has failed to prevent unauthorized emissions of 1648.76 lbs of SO_2 during a one hr thirty-six min emissions event which occurred at the South Flare on May 3, 2005, in violation of Air Quality Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE § 116.115(c) and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event could have been avoided by good operation practices, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

64. As evidenced by Finding of Fact No. 31.a., TOTAL has failed to maintain the VOCs emission rate below 7.56 lbs/hr. at the FPM Cooling Tower between May 17, 2005, and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7 – 27, and December 14 – 15, 2005, released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively, in violation of Air Quality Permit No. 18936/PSD-TX-762M2, 30 TEX. ADMIN. CODE §§ 110.20(3), 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b).

65. As evidenced by Finding of Fact No. 31.b., TOTAL has failed to maintain the VOCs

emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15, until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1,062.6 lbs of toluene, and 88.8 lbs of xylene (a total of 1,712.2 lbs of VOCs) occurred, in violation of 30 TEX. ADMIN. CODE § 106.371 and TEX. HEALTH & SAFETY CODE § 382.085(b).

66. As evidenced by Finding of Fact No. 32.a., TOTAL has failed to prevent unauthorized emissions of 1835.42 lbs of SO_2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005, in violation of Air Quality Permit No. 54026, SC 1, 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was reported late, the respondent failed to meet the demonstrations for the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

67. As evidenced by Finding of Fact No. 32.b., TOTAL has failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005, at 11:45 hrs, but was not reported until June 20, 2005 at 15:53 hrs, in excess of the 24 hr reporting requirement, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

68. As evidenced by Finding of Fact No. 33, TOTAL has failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005, due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4--Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of xylene were released, in violation of Permit by Rule Registration No. 72930, 30 TEX. ADMIN. CODE § 106.6(b), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this event was avoidable, the respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

69. As evidenced by Finding of Fact No. 34, TOTAL has failed to report the occurrence of deviations in a SDR, failed to submit an ACC, and failed to properly certify a SDR. Specifically, TOTAL failed to properly certify their SDR for the period of May 14, 2005, to November 13, 2005, failed to report a deviation in the November 14, 2005, to May 14, 2006, SDR, and failed to submit an ACC for the period of May 14, 2005, to May 14, 2006, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(A), 122.146(1), and 122.165(b), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (FOP) O-02222.

70. As evidenced by Finding of Fact No. 35, TOTAL has failed to prevent unauthorized emissions of 7.35 lbs of H_2S and 675.88 lbs of SO_2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-1267, General Terms and Conditions and Special Terms and Conditions 27, Air Permit 54026, SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable,

TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

71. As evidenced by Finding of Fact No. 36, TOTAL has failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, General Terms and Conditions and SC 27, Air Permit No. 18936\PSD-TX-762M3, General Condition 8 and TEX. HEALTH & SAFETY CODE § 382.085(b).

72. As evidenced by Finding of Fact No. 37.a., TOTAL has failed to prevent unauthorized emissions of 229.98 lbs of H_2S, 22,144.41 lbs of SO_2, 352.24 lbs of NOx, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH_3 from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, General Terms and Conditions and SC 27, Air Permit No. 54026, SC 1, Air Permit No. 9195A and PSD-TX-453M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

73. As evidenced by Finding of Fact No. 37.b., TOTAL has failed to prevent unauthorized emissions of 13.51 lbs of H_2S and 1264.68 lbs of SO_2 from the North and South Flares during a 2 hr 42 min emissions event on December 10, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267 General Terms and Conditions and SC 27, Air Permit No. 54026, SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

74. As evidenced by Finding of Fact No. 38, TOTAL has failed to prevent unauthorized emissions of 99.28 lbs of H_2S and 9,078.06 lbs of SO_2 from Unit 835. The permitted limits for H_2S and SO_2 are 0.12 lbs/hr and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006, and lasted for 5 hrs and 14 mins, in violation of 30 TEX. ADMIN. CODE § 116.115(c) and (b)(2)(F), Air Permit No. 54026, SC No. 1 and GC No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event could have been avoided by better operation and maintenance practices, TOTAL failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

75. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against TOTAL for violations of the Texas Water Code and the Texas

Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

76. An administrative penalty in the amount of seven hundred forty-nine thousand nine hundred and ten dollars ($749,910.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. TOTAL paid Three hundred seventy-four thousand nine hundred fifty-five dollars ($374,955.00) of the administrative penalty. Three hundred seventy-four thousand nine hundred fifty-five dollars ($374,955.00) of the administrative penalty shall be conditionally offset by TOTAL's completion of a Supplemental Environmental Project ("SEP") as defined in Attachment A, incorporated herein by reference. TOTAL's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. TOTAL is assessed an administrative penalty in the amount of seven hundred forty-nine thousand nine hundred and ten dollars ($749,910.00) as set forth in Conclusion of Law No. 76 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and TOTAL 's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: TOTAL Petrochemicals USA, Inc.; Docket No. 2007-0172-AIR-E; Enforcement ID No. 32543" 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. TOTAL shall implement and complete a Supplemental Environmental Project in accordance with TEX. WATER CODE § 7.067. Three hundred seventy-four thousand nine hundred fifty-five dollars ($374,955.00) of the assessed penalty shall be offset with the condition that TOTAL implement the SEP defined in Attachment A. TOTAL's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. TOTAL shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, TOTAL shall submit to the Beaumont Regional Office written versions of revised final reports for Incident Nos. 38844, 38845, 38846, 38847, 38848, 39419, 39420, 39529, 39759, 39788, 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, and 43572 that include the required information identified in the Findings of Fact as having been omitted from those reports, to the extent that information is still reasonably available.

   b. Within 30 days after the effective date of this Agreed Order, TOTAL shall:

      i. Submit a properly certified semiannual deviation report for the period of May 14, 2005, to November 14, 2005, which certification shall relate back to the date the report originally was submitted and not represent a current certification;

      ii. Submit the corrected deviation report for November 14, 2005, to May 14, 2006, which report shall relate back to the date the original report was submitted and not represent a current certification;

      iii. Submit the proper Annual Compliance Certification for the period of May 14, 2005, to May 14, 2006, which certification shall relate back to the date the original certification was submitted and not represent a current certification;

      iv. Provide supplemental training to personnel responsible for reporting emissions events designed to ensure proper notification of future emission events to the TCEQ Beaumont Regional Office within 24 hrs of the

emissions event;

v. Provide supplemental training to personnel responsible for monitoring cooling water designed to ensure that results of cooling tower monitoring are timely reviewed to determine whether leaks are present; and

vi. Submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 3.a.

c. Within 45 days after the effective date of this Agreed Order, TOTAL shall:

i. Provide supplemental training for all plant personnel responsible for the operation of the Condensate Splitter Heater, EPN 40CSPLTH-1; and

ii. Submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 3.b.iv. and 3.b.v., and 3.c.i.

d. 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 fine and imprisonment for knowing violations."

e. TOTAL shall submit all correspondence, reports, and documentation required by these Ordering Provisions to:

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

and shall send a copy of the documentation to:

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

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

5. If TOTAL 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, TOTAL 's failure to comply is not a violation of this Agreed Order. TOTAL has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TOTAL shall notify the Executive Director within seven days after TOTAL becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by TOTAL shall be made in writing to the Executive Director. Extensions are not effective until TOTAL receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to TOTAL if the Executive Director determines that TOTAL has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. This Agreed Order, issued by the Commission, shall not be admissible against TOTAL 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.

10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to TOTAL, or three days after the date on which the Commission mails notice of the Order to TOTAL, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

7/10/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of TOTAL Petrochemicals USA, Inc. I represent that I am authorized to agree to the attached Agreed Order on behalf of of TOTAL Petrochemicals USA, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, TOTAL Petrochemicals USA, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

12 May 2008
Date

Darrell Jacob
Name (printed or typed)
Authorized Representative
TOTAL Petrochemicals USA, Inc.

Refinery Manager
Title

Attachment A
Docket No.: 2007-0172-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TOTAL Petrochemicals USA, Inc.
Penalty Amount:	Seven hundred forty-nine thousand nine hundred ten dollars ($749,910)
Type of SEPs:	Pre-approved
Third-Party Recipients:	Project 1: Jefferson County *Southeast Texas Regional Air Monitoring Network* Project 2: City of Port Arthur *Natural Gas Generator Replacement Project* Project 3: Southeast Texas Regional Planning Commission *West Port Arthur Home Energy Efficiency Program*
SEP Amount:	Three hundred seventy-four thousand nine hundred fifty-five dollars ($374,955) divided as follows: • Two hundred sixty-three thousand four hundred eighty-seven dollars ($263,487) shall be applied to Project No. 1 • Eighty-six thousand four hundred sixty-eight dollars ($86,468) shall be applied to Project No. 2 • Twenty-five thousand dollars ($25,000) shall be applied to Project No. 3
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amounts set forth above and is conditioned upon completion of the projects in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall contribute the SEP Amounts to the Third-Party Recipients pursuant to the agreement between the Third-Party Recipients and the TCEQ. The contributions will be to the **Jefferson County** *Southeast Texas Regional Air Monitoring Network,* **City of Port Arthur** *Natural Gas Generator Replacement Project*, and the **Southeast Texas Regional Planning Commission** *West Port Arthur Home Energy Efficiency Program* in Jefferson County. Specifically, SEP monies for the Southeast Texas Regional Air Monitoring Network will be used to will maintain, operate, and repair seven monitoring stations located at Beaumont, Cove School, Mauriceville, Sabine Pass, Southeast Texas Regional Airport, Port Neches, and West Orange. These monitoring stations monitor ozone (O_3), nitrogen oxides (NOx), and volatile organic compounds (VOC).

SEP monies for the Natural Gas Generator Replacement project will be used for the direct cost of purchasing a lower-emitting and more fuel-efficient 80 kilowatt (KW) natural gas fueled generator system to replace an existing 30 year old 30 KW diesel fueled generator at the City's fire station.

SEP monies for the *West Port Arthur Home Energy Efficiency Program* will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating the homes and appliances, as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The projects will be administered in accordance with federal, state, and local environmental laws and regulations. Respondent certifies that there is no prior commitment to do these projects and that they are being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Continued implementation of the air quality monitoring project will provide a discernable environmental benefit by assisting in identification of potential air quality concerns within the regional air shed and may help identify and control emission sources.

Implementation of the Generator Acquisition project will provide a discernable environmental benefit by reducing NOx emissions by an estimated 200 pounds/hour. (The current diesel generator emits an estimated 202 pounds of NOx per hour, and the new generator will emit an estimated one pound of NOx per hour.)

Implementation of the Home Energy Efficiency Program will provide a discernable environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), VOC, and NOx associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amounts to the Third-Party Recipients and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Amounts to the Third-Party Recipients. Respondent shall mail the respective contributions along with a copy of the Agreed Order with each contribution, to the addresses below:

Jefferson County
The Honorable Ron Walker
Jefferson County Judge
Attention: SEP Project
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

City of Port Arthur
Steve Fitzgibbons, City Manager
Attention: Generator Replacement SEP Project
City of Port Arthur
P.O. Box 1089
Port Arthur, TX 77641

Southeast Texas Regional Planning Commission
Bob Dickinson
Director, Transportation and Environmental Resources
Attention: SEP - West Port Arthur Home Energy Project
South East Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont, TX 77703

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. Records and Reporting

Concurrent with the payment of the SEP Amounts, Respondent shall provide the TCEQ SEP Coordinator with a copy of the checks and transmittal letters indicating full payment of the SEP Amounts to the Third-Party Recipients as described in Section 2, above.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amounts and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amounts.

In the event of incomplete performance, the Respondent shall submit a check for the remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear

statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEPs identified in this Agreed Order have not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.