

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2009-0220-AIR-E **TCEQ ID:** RN100212109 **CASE NO.:** 37167**RESPONDENT NAME:** TOTAL PETROCHEMICALS USA, INC.

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>  |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER   | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER   | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER  | <input type="checkbox"/> EMERGENCY ORDER                    |  |
| <b>CASE TYPE:</b>   |   |  |
| <input checked="" type="checkbox"/> AIR   | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY  | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                  |
| <input type="checkbox"/> WATER QUALITY  | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE  | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                    |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> TOTAL PETROCHEMICALS USA La Porte Plant, 1818 South Battleground Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions, Docket Numbers 2008-1173-AIR-E, 2008-1773-AIR-E, and 2009-0013-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 29, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387<br/> <b>Respondent:</b> Mr. Mark Douglass, Plant Manager, TOTAL PETROCHEMICALS USA, INC., 1818 South Battleground Road, La Porte, Texas 77571-9803<br/> Mr. Ron Copeland, Environmental Manager, TOTAL PETROCHEMICALS USA, INC., 1818 South Battleground Road, La Porte, Texas 77571-9803<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|---|--|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 13, 2009</p> <p><b>Date of NOE Relating to this Case:</b> February 6, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter. Specifically, 924.81 pounds ("lbs") of carbon monoxide, 79.40 lbs of nitrogen oxides, 125.90 lbs of propane, and 1,136.69 lbs of the highly reactive volatile organic compound propylene were released from the Monument 2 Thermal Oxidizer and Flare, emission point number ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 111518) that occurred on July 24, 2008 and lasted 14 hours and 55 minutes. Since this emissions event was avoidable due to operator error, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78962, Maximum Allowable Emission Rate Table, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> | <p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$2,000<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$8,000</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the build up of solids in the Train 7 Cyclo-filter; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> |

Additional ID No(s): Air Acct. No. HG0036S



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

|              |                 |             |                  |             |                           |
|--------------|-----------------|-------------|------------------|-------------|---------------------------|
| <b>DATES</b> | <b>Assigned</b> | 9-Feb-2009  |                  |             |                           |
|              | <b>PCW</b>      | 13-Feb-2009 | <b>Screening</b> | 18-Feb-2009 | <b>EPA Due</b> 3-Nov-2009 |

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

|  |                 |                              |                    |  |  |
|--|-----------------|------------------------------|--------------------|--|--|
| <b>CASE INFORMATION</b>                |                 |                              |                    |  |  |
| <b>Enf./Case ID No.</b>                | 37167           | <b>No. of Violations</b>     | 1                  |  |  |
| <b>Docket No.</b>                      | 2009-0220-AIR-E | <b>Order Type</b>            | 1660               |  |  |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |  |  |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Trina Grieco       |  |  |
|  |                 | <b>EC's Team</b>             | Enforcement Team 5 |  |  |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$10,000           |  |  |

## Penalty Calculation Section

|   |                   |         |
|---|-------------------|---------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$2,500 |
|---|-------------------|---------|

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

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

|                           |                    |                                |         |
|---------------------------|--------------------|--------------------------------|---------|
| <b>Compliance History</b> | 392.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$9,800 |
|---------------------------|--------------------|--------------------------------|---------|

**Notes**  
Penalty enhancement due to five NOV's issued for same or similar violations, 29 NOV's issued for dissimilar violations, 13 Agreed Orders issued containing a denial of liability, and two Agreed Orders issued without a denial of liability. Penalty reduction due to one Notice of Audit letter submitted.

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

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

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

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

|                            |         |                                   |
|----------------------------|---------|-----------------------------------|
| Total EB Amounts           | \$123   | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$2,000 |                                   |

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$12,300 |
|-----------------------------|-----------------------|----------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$12,300 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$10,000 |
|-----------------------------------|-------------------------------|----------|

|                 |                 |                   |          |
|-----------------|-----------------|-------------------|----------|
| <b>DEFERRAL</b> | 20.0% Reduction | <b>Adjustment</b> | -\$2,000 |
|-----------------|-----------------|-------------------|----------|

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

**Notes**  
Deferral offered for expedited settlement.

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$8,000 |
|------------------------|---------|

Screening Date 18-Feb-2009

Docket No. 2009-0220-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 37167

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Trina Grieco

## Compliance History Worksheet

## &gt;&gt; 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<br>(number of NOVs meeting criteria)   | 5                 | 25%     |
|                               | Other written NOVs   | 29                | 58%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 13                | 260%    |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2                 | 50%     |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)                                       | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 1                 | -1%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |

Please Enter Yes or No

|       |   |    |    |
|-------|---|----|----|
| Other | Environmental management systems in place for one year or more  | No | 0% |
|       | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program       | No | 0% |
|       | Participation in a voluntary pollution reduction program  | No | 0% |
|       | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 392%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Penalty enhancement due to five NOVs issued for same or similar violations, 29 NOVs issued for dissimilar violations, 13 Agreed Orders issued containing a denial of liability, and two Agreed Orders issued without a denial of liability. Penalty reduction due to one Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 392%

**Screening Date** 18-Feb-2009 **Docket No.** 2009-0220-AIR-E **PCW**  
**Respondent** TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*  
**Case ID No.** 37167 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN100212109

**Media [Statute]** Air  
**Enf. Coordinator** Trina Grieco  
**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 116.615(2), Standard Permit No. 78962, Maximum Allowable Emission Rate Table, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter. Specifically, 924.81 pounds ("lbs") of carbon monoxide, 79.40 lbs of nitrogen oxides, 125.90 lbs of propane, and 1,136.69 lbs of the highly reactive volatile organic compound ("HRVOC") propylene were released from the Monument 2 Thermal Oxidizer and Flare, emission point number ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 111518) that occurred on July 24, 2008 and lasted 14 hours and 55 minutes. Since this emissions event was avoidable due to operator error, the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.

**Base Penalty** \$10,000

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

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          | X     | 25%     |
| Potential |       |          |       |         |

**>> Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0%      |

**Matrix Notes** Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of contaminants, including 1,136.69 lbs of HRVOCs, that did not exceed protective levels 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        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | X |
| semiannual   |   |
| annual       |   |
| single event |   |

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

One quarterly event is recommended for the event that occurred on July 24, 2008.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$2,500

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

Estimated EB Amount: \$123      Violation Final Penalty Total: \$12,300

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

### Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.** 37167

**Reg. Ent. Reference No.** RN100212109

**Media** Air

**Violation No.** 1

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

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

No commas or \$

**Delayed Costs**

|                          |         |             |             |      |       |     |       |
|--------------------------|---------|-------------|-------------|------|-------|-----|-------|
| Equipment                |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Engineering/construction |         |             |             | 0.00 | \$0   | \$0 | \$0   |
| Land                     |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |         |             |             | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$2,000 | 24-Jul-2008 | 15-Oct-2009 | 1.23 | \$123 | n/a | \$123 |

**Notes for DELAYED costs**

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

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$2,000

**TOTAL**

\$123

# Compliance History Report

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

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 12, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 12, 2004 to February 12, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

Effective Date: 02/10/2005

ADMINORDER 2003-0089-AIR-E

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC1 PERMIT

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC3 PERMIT

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

Classification: Minor

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

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

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8

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

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart DDD 60.565(k)

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

Rqmt Prov: SC4 PERMIT

Description: Failed to submit the semiannual reports.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(C)

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

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

Effective Date: 09/30/2005

ADMINORDER 2005-0146-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Effective Date: 09/30/2005

ADMINORDER 2005-0171-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Citation:

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/05/2006

ADMINORDER 2005-0540-AIR-E

Classification: Moderate

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

30 TAC Chapter 101, SubChapter F 101.221(a)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

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

Rqmt Prov: Special Condition 1 PERMIT

Special Condition 2 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 03/06/2006

ADMINORDER 2004-2037-IWD-E

Classification: Moderate

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

Rqmt Prov: Permit Condition 2.g. OP

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

Classification: Moderate

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

Rqmt Prov: Effluent Limitations OP

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

Effective Date: 03/19/2007

ADMINORDER 2006-1040-AIR-E

Classification: Moderate

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

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

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

Effective Date: 04/13/2007

ADMINORDER 2006-1656-AIR-E

Classification: Moderate

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

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

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

Classification: Minor

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

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

Effective Date: 08/10/2007

ADMINORDER 2006-2092-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2008

ADMINORDER 2007-1139-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 3908B PERMIT

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

Effective Date: 04/03/2008

ADMINORDER 2007-1593-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failure to prevent an unauthorized emissions event.

Effective Date: 04/28/2008

ADMINORDER 2007-1425-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 05/22/2008 ADMINORDER 2007-1879-IWD-E  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 07/21/2008 ADMINORDER 2008-0162-AIR-E  
Classification: Minor  
  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 11, 2007 (Incident No. 95742).  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Maximum Emission Rate Table PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Special Condition 6 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SC 6 PERMIT  
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008 ADMINORDER 2008-0414-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: MERT PERMIT  
Description: failed to prevent unauthorized emissions, Specifically, 145 pounds of propylene were released when the reaction in Train 8 Propylene Unit became unstable due to a faulty flow meter, resulting in an emissions event that began on October 14, 2007, and lasted for 26 hours and 25 minutes (Incident No. 98719).

Effective Date: 12/04/2008 ADMINORDER 2008-0944-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Standard Air Permit No. 78962 PERMIT  
Description: An improper circuit breaker installation procedure resulted in the loss of power to Trains 5 and 6, and in unauthorized emissions.

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A

|     |            |          |
|-----|------------|----------|
| 58  | 03/22/2005 | (382037) |
| 59  | 03/24/2005 | (349942) |
| 60  | 03/24/2005 | (372227) |
| 61  | 03/29/2005 | (371421) |
| 62  | 04/01/2005 | (375065) |
| 63  | 04/08/2005 | (348307) |
| 64  | 04/28/2005 | (374278) |
| 65  | 06/03/2005 | (376795) |
| 66  | 06/03/2005 | (419886) |
| 67  | 06/23/2005 | (379202) |
| 68  | 06/24/2005 | (419887) |
| 69  | 06/27/2005 | (392492) |
| 70  | 07/05/2005 | (395955) |
| 71  | 07/05/2005 | (396243) |
| 72  | 07/08/2005 | (395145) |
| 73  | 07/08/2005 | (395147) |
| 74  | 07/08/2005 | (395152) |
| 75  | 07/12/2005 | (398015) |
| 76  | 08/10/2005 | (404200) |
| 77  | 08/19/2005 | (441002) |
| 78  | 08/23/2005 | (404907) |
| 79  | 08/25/2005 | (405920) |
| 80  | 09/12/2005 | (441005) |
| 81  | 09/19/2005 | (441003) |
| 82  | 10/21/2005 | (441004) |
| 83  | 11/03/2005 | (418739) |
| 84  | 11/21/2005 | (435975) |
| 85  | 11/28/2005 | (468737) |
| 86  | 01/24/2006 | (468738) |
| 87  | 01/24/2006 | (468739) |
| 88  | 02/14/2006 | (468736) |
| 89  | 02/15/2006 | (453303) |
| 90  | 02/21/2006 | (455020) |
| 91  | 02/23/2006 | (455888) |
| 92  | 02/25/2006 | (456928) |
| 93  | 02/27/2006 | (456559) |
| 94  | 02/28/2006 | (457140) |
| 95  | 02/28/2006 | (457150) |
| 96  | 02/28/2006 | (457170) |
| 97  | 03/20/2006 | (498411) |
| 98  | 04/24/2006 | (463428) |
| 99  | 04/25/2006 | (458264) |
| 100 | 04/27/2006 | (456175) |
| 101 | 05/01/2006 | (498412) |
| 102 | 05/16/2006 | (463577) |
| 103 | 05/16/2006 | (463907) |
| 104 | 05/16/2006 | (465691) |
| 105 | 05/17/2006 | (465592) |
| 106 | 05/26/2006 | (467560) |
| 107 | 05/30/2006 | (498413) |
| 108 | 05/31/2006 | (480470) |
| 109 | 05/31/2006 | (480475) |
| 110 | 06/07/2006 | (498416) |
| 111 | 06/20/2006 | (498414) |
| 112 | 06/22/2006 | (482832) |
| 113 | 06/22/2006 | (482925) |
| 114 | 06/23/2006 | (483058) |
| 115 | 06/29/2006 | (481055) |
| 116 | 06/29/2006 | (484017) |

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

|    |            |          |
|----|------------|----------|
| 1  | 02/23/2004 | (296371) |
| 2  | 03/16/2004 | (265480) |
| 3  | 03/29/2004 | (263338) |
| 4  | 04/12/2004 | (296375) |
| 5  | 05/12/2004 | (269428) |
| 6  | 05/12/2004 | (269433) |
| 7  | 05/21/2004 | (296378) |
| 8  | 05/26/2004 | (272485) |
| 9  | 06/02/2004 | (269938) |
| 10 | 06/07/2004 | (296382) |
| 11 | 06/14/2004 | (274068) |
| 12 | 06/21/2004 | (296380) |
| 13 | 07/09/2004 | (296376) |
| 14 | 07/22/2004 | (280434) |
| 15 | 08/11/2004 | (286884) |
| 16 | 08/24/2004 | (352560) |
| 17 | 09/01/2004 | (278961) |
| 18 | 09/01/2004 | (279062) |
| 19 | 09/20/2004 | (352561) |
| 20 | 10/08/2004 | (335547) |
| 21 | 10/13/2004 | (352562) |
| 22 | 10/18/2004 | (335599) |
| 23 | 10/19/2004 | (335923) |
| 24 | 10/22/2004 | (337805) |
| 25 | 11/03/2004 | (338415) |
| 26 | 11/11/2004 | (290843) |
| 27 | 11/12/2004 | (335862) |
| 28 | 11/16/2004 | (352563) |
| 29 | 11/23/2004 | (352564) |
| 30 | 12/13/2004 | (336657) |
| 31 | 12/13/2004 | (338130) |
| 32 | 12/14/2004 | (338399) |
| 33 | 12/20/2004 | (295860) |
| 34 | 12/20/2004 | (338218) |
| 35 | 12/20/2004 | (338479) |
| 36 | 12/27/2004 | (382038) |
| 37 | 12/28/2004 | (338056) |
| 38 | 12/29/2004 | (343603) |
| 39 | 12/29/2004 | (343604) |
| 40 | 12/31/2004 | (290574) |
| 41 | 12/31/2004 | (291344) |
| 42 | 01/06/2005 | (291924) |
| 43 | 01/06/2005 | (337400) |
| 44 | 01/07/2005 | (292094) |
| 45 | 01/07/2005 | (336686) |
| 46 | 01/07/2005 | (338040) |
| 47 | 01/10/2005 | (262199) |
| 48 | 01/13/2005 | (345723) |
| 49 | 01/26/2005 | (342525) |
| 50 | 02/22/2005 | (382035) |
| 51 | 02/23/2005 | (349878) |
| 52 | 02/24/2005 | (350275) |
| 53 | 02/24/2005 | (350282) |
| 54 | 03/01/2005 | (349965) |
| 55 | 03/02/2005 | (372226) |
| 56 | 03/08/2005 | (372848) |
| 57 | 03/21/2005 | (382036) |

|     |            |          |
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| 117 | 07/12/2006 | (484022) |
| 118 | 07/13/2006 | (498415) |
| 119 | 07/14/2006 | (484429) |
| 120 | 07/26/2006 | (487037) |
| 121 | 08/03/2006 | (487671) |
| 122 | 08/03/2006 | (488357) |
| 123 | 08/04/2006 | (345748) |
| 124 | 08/17/2006 | (484538) |
| 125 | 08/21/2006 | (520418) |
| 126 | 08/21/2006 | (520420) |
| 127 | 09/05/2006 | (497455) |
| 128 | 09/05/2006 | (509499) |
| 129 | 09/07/2006 | (510865) |
| 130 | 09/08/2006 | (489217) |
| 131 | 09/22/2006 | (520419) |
| 132 | 10/06/2006 | (530970) |
| 133 | 10/16/2006 | (511833) |
| 134 | 10/20/2006 | (575734) |
| 135 | 11/06/2006 | (516491) |
| 136 | 11/20/2006 | (517197) |
| 137 | 11/21/2006 | (516694) |
| 138 | 11/21/2006 | (575735) |
| 139 | 02/05/2007 | (534573) |
| 140 | 02/12/2007 | (575728) |
| 141 | 02/15/2007 | (539452) |
| 142 | 03/09/2007 | (539872) |
| 143 | 03/13/2007 | (542326) |
| 144 | 03/19/2007 | (536804) |
| 145 | 03/22/2007 | (542671) |
| 146 | 03/22/2007 | (542675) |
| 147 | 03/22/2007 | (575729) |
| 148 | 04/04/2007 | (575733) |
| 149 | 04/10/2007 | (543717) |
| 150 | 04/12/2007 | (540389) |
| 151 | 04/13/2007 | (575730) |
| 152 | 04/23/2007 | (556287) |
| 153 | 04/30/2007 | (542574) |
| 154 | 05/08/2007 | (559591) |
| 155 | 05/14/2007 | (556174) |
| 156 | 05/16/2007 | (555746) |
| 157 | 05/16/2007 | (555751) |
| 158 | 05/16/2007 | (575731) |
| 159 | 05/25/2007 | (536112) |
| 160 | 05/30/2007 | (556956) |
| 161 | 05/31/2007 | (559121) |
| 162 | 05/31/2007 | (559123) |
| 163 | 06/08/2007 | (555120) |
| 164 | 06/08/2007 | (562000) |
| 165 | 06/15/2007 | (555757) |
| 166 | 06/18/2007 | (561134) |
| 167 | 06/19/2007 | (562094) |
| 168 | 06/20/2007 | (561136) |
| 169 | 06/21/2007 | (560635) |
| 170 | 06/21/2007 | (560640) |
| 171 | 06/22/2007 | (575732) |
| 172 | 06/25/2007 | (560632) |
| 173 | 06/27/2007 | (561137) |
| 174 | 07/05/2007 | (560624) |
| 175 | 07/18/2007 | (565537) |

|     |            |          |
|-----|------------|----------|
| 176 | 07/24/2007 | (561139) |
| 177 | 07/30/2007 | (565237) |
| 178 | 08/13/2007 | (566645) |
| 179 | 08/20/2007 | (607606) |
| 180 | 08/29/2007 | (565319) |
| 181 | 09/11/2007 | (569993) |
| 182 | 09/21/2007 | (607607) |
| 183 | 09/26/2007 | (570766) |
| 184 | 10/17/2007 | (594536) |
| 185 | 10/18/2007 | (594393) |
| 186 | 10/23/2007 | (619670) |
| 187 | 10/23/2007 | (619672) |
| 188 | 11/12/2007 | (599234) |
| 189 | 11/12/2007 | (619673) |
| 190 | 11/19/2007 | (572263) |
| 191 | 11/20/2007 | (597561) |
| 192 | 11/26/2007 | (619671) |
| 193 | 11/30/2007 | (600058) |
| 194 | 12/07/2007 | (600059) |
| 195 | 12/11/2007 | (597559) |
| 196 | 12/17/2007 | (609853) |
| 197 | 01/28/2008 | (570970) |
| 198 | 01/30/2008 | (613375) |
| 199 | 02/15/2008 | (612150) |
| 200 | 02/21/2008 | (672192) |
| 201 | 03/10/2008 | (616035) |
| 202 | 03/10/2008 | (616237) |
| 203 | 03/24/2008 | (690105) |
| 204 | 03/31/2008 | (610624) |
| 205 | 04/14/2008 | (690106) |
| 206 | 05/09/2008 | (640759) |
| 207 | 05/16/2008 | (690107) |
| 208 | 05/16/2008 | (690108) |
| 209 | 05/30/2008 | (640765) |
| 210 | 06/04/2008 | (654889) |
| 211 | 06/05/2008 | (671448) |
| 212 | 06/11/2008 | (671449) |
| 213 | 06/11/2008 | (671450) |
| 214 | 06/11/2008 | (710892) |
| 215 | 06/18/2008 | (682521) |
| 216 | 06/30/2008 | (681219) |
| 217 | 06/30/2008 | (682520) |
| 218 | 07/02/2008 | (683653) |
| 219 | 07/10/2008 | (683615) |
| 220 | 07/18/2008 | (685477) |
| 221 | 07/21/2008 | (710895) |
| 222 | 07/22/2008 | (687013) |
| 223 | 07/25/2008 | (686100) |
| 224 | 08/01/2008 | (687683) |
| 225 | 08/13/2008 | (686959) |
| 226 | 08/13/2008 | (688033) |
| 227 | 08/19/2008 | (685005) |
| 228 | 08/19/2008 | (686804) |
| 229 | 08/25/2008 | (710893) |
| 230 | 09/24/2008 | (710894) |
| 231 | 10/03/2008 | (704204) |
| 232 | 10/20/2008 | (727597) |
| 233 | 10/30/2008 | (688227) |
| 234 | 10/31/2008 | (699758) |

235 11/03/2008 (699774)  
 236 11/03/2008 (699972)  
 237 11/17/2008 (727598)  
 238 11/21/2008 (704275)  
 239 12/04/2008 (727599)  
 240 12/09/2008 (704274)  
 241 01/05/2009 (704277)  
 242 01/21/2009 (706088)  
 243 01/21/2009 (722792)  
 244 01/27/2009 (723151)  
 245 01/29/2009 (709785)  
 246 02/06/2009 (704273)  
 247 02/06/2009 (723709)  
 248 02/06/2009 (723711)  
 249 02/09/2009 (724256)

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

Date: 03/29/2004 (263338)  
 Self Report? NO  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Permit No. 21538, Special Condition 6 PA  
 Description: The facility failed to control unauthorized emissions.

Date: 06/30/2004 (296382) CN600582399  
 Self Report? YES  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (352561) CN600582399  
 Self Report? YES  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (382038) CN600582399  
 Self Report? YES  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (419887) CN600582399  
 Self Report? YES  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/22/2005 (379202)  
 Self Report? NO  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 Description: Failure to properly seal the end of a line containing VOCs

Date: 07/08/2005 (395145)  
 Self Report? NO  
 Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
 Description: Failure to update the Notice of Registration (NOR)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)  
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174  
 Description: Failure to conduct the inspection of containers on a regular weekly basis

Date: 07/31/2005 (441002) CN600582399

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

Date: 02/15/2006 (453303) CN600582399

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

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

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

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.146(4)  
 NSR Permit 18153, Special Condition 18D PERMIT  
 OP O-01293, Special Condition 11 OP  
 Description: Failed to measure the residual VOC concentration in Trains 8 & 9 using an approved TCEQ test method.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.352(4) and 40 CFR 60.482-6 (a)(1).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 NSR Permit 2269C, Special Condition 19 PERMIT  
 OP Permit O-01293, Special Condition 11 OP  
 Description: Exceeded their MAERT emissions limit for the cooling tower, which is a violation of 30 TAC 116.115(b)(2)(F) and NSR 2269C S.C. 19.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
 Description: Failed to preform a first attempt at repair for thirteen components, which is a violation of 30 TAC 115.782(b)(1) .

Self Report? NO Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)  
 Description: Exceeded the 3 percent threshold of difficult to monitor valves in relation to the total number of valves, which is a violation of 40 CFR 60.482-7(h)(2).

Date: 05/31/2006 (498414) CN600582399

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

Date: 06/27/2006 (484538) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 37, SubChapter C 37.251(d)  
Description: Failure to provide a FT demonstration 90 days after company's fiscal year - but was subsequently resolved on 7-21-06 when we received a financial test demonstration.

Date: 10/06/2006 (530970) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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

Date: 10/31/2006 (575735) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (575730) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/11/2007 (540389) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
30 TAC Chapter 305, SubChapter F 305.125(5)  
TWC Chapter 26 26.121  
TWC Chapter 26 26.121(a)  
TWC Chapter 26 26.121(a)(1)  
TWC Chapter 26 26.121(a)(2)  
TWC Chapter 26 26.121(a)(3)  
TWC Chapter 26 26.121(b)  
TWC Chapter 26 26.121(c)  
TWC Chapter 26 26.121(d)  
TWC Chapter 26 26.121(e)  
Description: Failure to prevent the unauthorized discharge from the collection system.

Date: 04/30/2007 (575731) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/25/2007 (536112) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 21538, SC 13 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.146(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)

5C THC Chapter 382, SubChapter D 382.085(b)  
O-1293, Special Conditions 1 & 11 OP  
Description: Failure to maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor Combustor ES-976.

Self Report? NO Classification: Moderate

Citation: 1293, Special Condition OP  
2269C, SC 2 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 1293, Special Condition 1 OP  
2269C, SC1 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Self Report? NO Classification: Moderate

Citation: 18153, SC No. 8E PA  
21538, SC No. 1E PA  
2269C, SC No. 11E PA  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3908B, SC No. 4E PA  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01293, SC No. 11 OP

Description: Failure to ensure that each open-ended line is equipped with a cap or plug.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 05/31/2007 (575732) CN600582399

Self Report? YES Classification: Moderate

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

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

Date: 06/12/2007 (555757)

Self Report? NO Classification: Minor

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

Description: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
The RE failed to report the emissions of CO and NO in the Final (14-day) Report. While these emissions did not exceed an RQ, 30 TAC 101.201(b)(1)(G,H) still requires that these emissions be included in the Final Report.

Date: 06/30/2007 (575733) CN600582399

Self Report? YES Classification: Moderate

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

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

Date: 07/24/2007 (561139)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Air Permit No. 3908B Special Condition 1 PERMIT

Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of the emissions event.

Date: 07/31/2007 (607606)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 08/31/2007 (607607)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 09/30/2007 (619670)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 10/31/2007 (619671)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 01/31/2008 (672192)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 02/29/2008 (690105)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 04/01/2008 (610624)

CN600582399

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special Terms & Cond. No. 1(A) OP

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

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
5C THSC Chapter 382 382.085(b)  
O-01293, General Terms & Conditions OP

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

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

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

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

Self Report? NO Classification: Moderate  
 Citation: 21538, Special Condition No. 12(A) PERMIT  
 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 11 OP  
 Description: Failure to operate the Train 8 Flare header with combustion gases with net heating  
 value of 300 Btu/scf or greater.

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

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

Self Report? NO Classification: Minor  
 Citation: 21538, Special Condition No. 20(E) PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 11 OP  
 Description: Failure to report when the Waste Heat Boiler (M2A-BO-3) in-stack CO  
 concentration exceeded the 100 ppmv permit limit to the TCEQ Regional Office  
 within 48 hours.

Date: 05/31/2008 (710892) CN600582399  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2008 (690108) CN600582399  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Description: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (710893)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 08/13/2008 (688033)

Self Report? NO

Classification: Moderate

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

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

Date: 08/31/2008 (710894)

CN600582399

Self Report? YES

Classification: Moderate

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

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

F. Environmental audits.

Notice of Intent Date: 04/16/2004 (274485)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0220-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a petrochemical manufacturing plant at 1818 South Battleground Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 11, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent

has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand Dollars (\$2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit No. 78962, Maximum Allowable Emission Rate Table, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 13, 2009. Specifically, 924.81 pounds ("lbs") of carbon monoxide, 79.40 lbs of nitrogen oxides, 125.90 lbs of propane, and 1,136.69 lbs of the highly reactive volatile organic compound propylene were released from the Monument 2 Thermal Oxidizer and Flare, emission point number ES-215 + ES-205, in the Monument 2 Polypropylene Units during an emissions event (Incident No. 111518) that occurred on July 24, 2008 and lasted 14 hours and 55 minutes. Since this emissions event was avoidable due to operator error, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

## III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2009-0220-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the build-up of solids in the Train 7 Cyclo-filter; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Sullivan  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 5/27/2009

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

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

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

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

Mark Douglass  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 4/29/2009

MARK DOUGLASS  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
TOTAL PETROCHEMICALS USA, INC.

PLANT MANAGER  
\_\_\_\_\_  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

