

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-0140-AIR-E **TCEQ ID:** RN100216977 **CASE NO.:** 37076

**RESPONDENT NAME:** Sabina Petrochemicals LLC

<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> BASF Fina NAFTA Region Olefins Complex, 2700 Highway 366, Port Arthur, Jefferson 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 is one additional pending enforcement action regarding this facility location, Docket No. 2009-0316-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 13, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Christopher P. Witte, General Manager-Port Arthur Operations, Sabina Petrochemicals LLC, P.O. Box 3737, Port Arthur, Texas 77643  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 19, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 15, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit. Specifically, on March 12, 2008, the nitrogen oxides ("NOx") MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point Number: BLR) [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), New Source Review Permit No. 41945/PSD-TX-950/N-018 Special Condition No. 1, and Federal Operating Permit No. O-02629 Special Terms and Conditions No. 8].</p>	<p><b>Total Assessed:</b> \$7,550</p> <p><b>Total Deferred:</b> \$1,510  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$6,040</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on October 17, 2008, the Respondent applied for an amendment to New Source Review Permit No. 41945/PSD-TX-950/N-018 to address the NOx emissions from the C4 Boiler.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for New Source Review Permit No. 41945/PSD-TX-950/N-018 within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>b. Within 180 days after the effective date of this Agreed Order, submit written certification that the amendment to the permit addressed in Ordering Provision a. has been issued. If an amendment has not been issued by that date, or within the period of any extension granted by the TCEQ, the Plant will remain subject to the existing limits in the permit, unless and until such limits are adjusted by other permit action, and Respondent shall certify that it has taken measures to operate the C4 Boiler to maintain emissions within those existing limits. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

Additional ID No(s): JE0834F

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision October 30, 2008

<b>TCEQ</b> DATES	Assigned	20-Jan-2009	Screening	26-Jan-2009	EPA Due	
	PCW	10-Feb-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Sabina Petrochemicals LLC
Reg. Ent. Ref. No.	RN100216977
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37076	No. of Violations	1
Docket No.	2009-0140-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

<b>Penalty Calculation Section</b>	
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b> <input type="text" value="\$2,500"/>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
<b>Compliance History</b>	<b>Subtotals 2, 3, &amp; 7</b> <input type="text" value="\$5,050"/>
Notes	Penalty enhancement due to six previous 1660-style orders, one previous findings order, nine previous similar NOV's, and seven non-similar NOV's. Penalty reduction due to two previous NOIs.
<b>Culpability</b>	<b>Subtotal 4</b> <input type="text" value="\$0"/>
Notes	The Respondent does not meet the culpability criteria.
<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b> <input type="text" value="\$0"/>
<b>Economic Benefit</b>	<b>Subtotal 6</b> <input type="text" value="\$0"/>
Total EB Amounts <input type="text" value="\$481"/>	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance <input type="text" value="\$5,000"/>	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b> <input type="text" value="\$7,550"/>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b> <input type="text" value="\$0"/>
Notes	
	<b>Final Penalty Amount</b> <input type="text" value="\$7,550"/>
<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b> <input type="text" value="\$7,550"/>
<b>DEFERRAL</b>	<b>Adjustment</b> <input type="text" value="-1,510"/>
Notes	Deferral offered for expedited settlement.
<b>PAYABLE PENALTY</b>	<input type="text" value="\$6,040"/>

**Screening Date** 26-Jan-2009

**Docket No.** 2009-0140-AIR-E

**PCW**

**Respondent** Sabina Petrochemicals LLC

Policy Revision 2 (September 2002)

**Case ID No.** 37076

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100216977

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**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)	9	45%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	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 judgments 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)	2	-2%
	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)** 202%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Penalty enhancement due to six previous 1660-style orders, one previous findings order, nine previous similar NOVs, and seven non-similar NOVs. Penalty reduction due to two previous NOIs.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 202%

<b>Screening Date</b> 26-Jan-2009	<b>Docket No.</b> 2009-0140-AIR-E	<b>PCW</b>		
<b>Respondent</b> Sabina Petrochemicals LLC	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37076	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN100216977				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> James Nolan				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 41945/PSD-TX-950/N-018 Special Condition No. 1, Federal Operating Permit No. O-02629 Special Terms and Conditions No. 8			
<b>Violation Description</b>	Failed to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit. Specifically, on March 12, 2008, the nitrogen oxides ("NOx") MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point No. BLR).			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			<b>Percent</b> <input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
			<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment 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.			
<b>Adjustment</b>			<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>	
<b>Violation Events</b>				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="1"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended.				
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>	<input type="text" value="\$0"/>	
		Before NOV    NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>			<input type="text" value="\$2,500"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount <input type="text" value="\$481"/>		Violation Final Penalty Total <input type="text" value="\$7,550"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$7,550"/>	

## Economic Benefit Worksheet

**Respondent** Sabina Petrochemicals LLC  
**Case ID No.** 37076  
**Reg. Ent. Reference No.** RN100216977  
**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**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,500	12-Mar-2008	12-Sep-2009	1.50	\$18	\$351	\$369
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	\$1,500	12-Mar-2008	12-Sep-2009	1.50	\$113	n/a	\$113
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The estimated cost to amend New Source Review Permit No. 41945/PSD-TX-950/N-018 and monitor emissions so they do not exceed MAERT limits. The date required is the first date of permit exceedances 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)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$481

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN601706583	Sabina Petrochemicals LLC	Classification: AVERAGE	Rating: 5.38
Regulated Entity:	RN100216977	BASF FINA NAFTA REGION OLEFINS COMPLEX	Classification: AVERAGE	Site Rating: 7.76

ID Number(s):	AIR OPERATING PERMITS	PERMIT	1877
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2551
	AIR OPERATING PERMITS	PERMIT	2965
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2629
	AIR OPERATING PERMITS	PERMIT	2965
	AIR OPERATING PERMITS	PERMIT	3015
	WASTEWATER	PERMIT	WQ0004135000
	WASTEWATER	PERMIT	TPDES0119369
	WASTEWATER	PERMIT	TX0119369
	AIR NEW SOURCE PERMITS	AFS NUM	4824500182
	AIR NEW SOURCE PERMITS	REGISTRATION	81534
	AIR NEW SOURCE PERMITS	PERMIT	36644
	AIR NEW SOURCE PERMITS	PERMIT	PSDTX903
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0843F
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX950
	AIR NEW SOURCE PERMITS	PERMIT	41945
	AIR NEW SOURCE PERMITS	PERMIT	N007M2
	AIR NEW SOURCE PERMITS	PERMIT	N007
	AIR NEW SOURCE PERMITS	PERMIT	N018
	AIR NEW SOURCE PERMITS	PERMIT	N007M1
	AIR NEW SOURCE PERMITS	PERMIT	P903M1
	AIR NEW SOURCE PERMITS	REGISTRATION	76480
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M1
	AIR NEW SOURCE PERMITS	REGISTRATION	79052
	AIR NEW SOURCE PERMITS	REGISTRATION	81533
	AIR NEW SOURCE PERMITS	REGISTRATION	82105
	AIR NEW SOURCE PERMITS	REGISTRATION	81912
	AIR NEW SOURCE PERMITS	REGISTRATION	86818
	AIR NEW SOURCE PERMITS	REGISTRATION	83457
	AIR NEW SOURCE PERMITS	REGISTRATION	83454
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M3
	AIR NEW SOURCE PERMITS	REGISTRATION	84227
	AIR NEW SOURCE PERMITS	REGISTRATION	86080
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039909
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86596

Location: 2700 HWY 366, PORT ARTHUR, TX, 77643

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 26, 2004 to January 26, 2009

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

Name: James Nolan Phone: (512) 239-6634

### 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? SABINA PETROCHEMICALS LLC  
BASF FINA Petrochemicals Limited
4. If Yes, who was/were the prior owner(s)? BASF Corporation
5. When did the change(s) in ownership occur? 8/14/2008
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: 04/10/2005 ADMINORDER 2003-1317-AIR-E  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)(1)(B)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)

30 TAC Chapter 101, SubChapter F 101.211(a)(1)(E)  
30 TAC Chapter 101, SubChapter F 101.211(b)(6)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the expected and actual times of scheduled start-up activities at the Ethylene Unit on the initial and final notifications for startup period November 6, 2001 through January 8, 2002.

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: 1 PERMIT

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

Classification: Moderate

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

30 TAC Chapter 101, SubChapter F 101.201(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; failure to determine if emissions events were reportable.

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: 1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the compounds and estimated quantities for the compounds of a reportable upset at the Ethylene Unit.

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(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
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 properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
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 properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

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: 1 PERMIT  
23 PERMIT

23A 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 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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: 13C PERMIT  
20 PERMIT

PSD-TX-903, SC 1 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)(F)

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

Rqmt Prov: 1 PERMIT

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

Classification: Major

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: 26 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)  
30 TAC Chapter 101, SubChapter A 101.6(b)(6)

30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include types of compounds and estimated total quantities for NOx and CO on final report notifications.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

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

Rqmt Prov: 13C PERMIT

Description: Failure to maintain compliance with visible emission limitations for gas flares.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)  
30 TAC Chapter 101, SubChapter F 101.201(b)  
  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a final report to the TCEQ Beaumont Regional Office within 14 days of the end of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to make a final maintenance notification within 14 days of the end of the event.

Effective Date: 10/19/2006 ADMINORDER 2005-0456-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit 41945, PSD-TX-950, and N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38454

Classification: Moderate

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39497

Classification: Moderate

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39496

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: Special Condition No. 1 PERMIT

Description: Failure to prevent emissions from the Flow Valve - Crude C4 Line in the C4 Complex. Incident No. 47680

Classification: Moderate

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38856

Classification: Moderate

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

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT  
Description: Failure to maintain a Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the High Pressure Flare (EPN P-7). Incident 38862

Classification: Moderate

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

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT  
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incidents 38857, 38858, & 38860

Classification: Moderate

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

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT  
Description: Failure to maintain Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the Low Pressure Flare (EPN P-6). Incident 38861

Classification: Moderate

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

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43641.

Classification: Moderate

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

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43644.

Classification: Moderate

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

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT  
Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43650.

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: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7).

Classification: Moderate

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(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38858

Classification: Moderate

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

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38860

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: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 56392

Effective Date: 06/05/2008

ADMINORDER 2007-1481-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, & N-018 PERMIT  
O-02629 PERMIT

Description: Failure to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, Emission Point Number CT (EPN CT), from September 27 to October 10, 2006 and from October 12, 2006 through November 15, 2006.

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT  
O-02629 PERMIT

Description: Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions. A8c2Aii

Effective Date: 09/22/2008

ADMINORDER 2008-0095-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945/PSD-TX-95-, N-018 PERMIT  
O-02629 OP

Description: Failure to maintain the rolling 12 month period emission cap, in tons per year, below the allowable permit limit for emissions of Nitrogen Oxides (NOx), and Carbon Monoxide (CO) from the High Pressure Flare, Emission Point Number: (EPN) P-7.

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02629 OP

Description: Failure to maintain the rolling 12 month period emission cap, in tons per year, below the allowable permit limit for emissions of Nitrogen Oxides (NOx), and Carbon Monoxide (CO) from the Low Pressure Flare, Emission Point Number: (EPN) P-6.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT  
O-02629 OP

Description: Failure to properly install a sample port to ensure a representative sample of the water returning to the cooling tower as required in Permit 41945, Special Condition 14 A.

Effective Date: 11/17/2008

ADMINORDER 2008-0575-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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC, STC No. 12 OP

Description: Failed to comply with the hourly maximum allowable emission rate ("MAER") for CO for Heaters H-400, H-600, H-700, H-800, H-6101, and H-6102 from May 2, 2005 through October 16, 2006. (A8c2Aii)

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC, STC 12 OP

Description: Failed to comply with the MAER for CO for Heater H-6101 on a 12-month rolling basis. Specifically for the period November 1, 2004 through October 31, 2005, actual CO emissions were 4.34 tons, whereas the permitted MAER was 3.02 tons per year. (A8c2Aii)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC, SC No. 12 OP

Description: Failed to not exceed the maximum firing rate of 0.011 pounds per million British thermal units ("lbs/MMBtu") for CO for Heaters H-6101 and H-6102. Specifically, the Respondent exceeded the rate for Heater H-6101 for 953 hours from May 1, 2005 through July 1, 2006 and the rate for Heater H-6102 for 862 hours from May 1, 2005 through June 16, 2006. (A8c2Bi)

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC and STC No. 12 OP

Description: Failed to maintain the Ground Flare, EPN N-15, emission rate below the calendar-year 2006 annual cap of 1600 tons for volatile organic compounds ("VOC"), nitrogen oxides ("NOx"), and CO combined. Specifically, in October 2006, the Ground Flare exceeded the emission cap when the year-to-date combined emissions were 1,625 tons. The total emissions from January through December 2006 were 1,824 tons. A12i6

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart NNN 60.662(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC, STC Nos 1A and 12 OP

Description: Failed to send the spent caustic and the corrugated plate interceptor/induced gas flotation ("CPI/IGF") streams to the carbon adsorption system during periods that the thermal oxidizer was not operating on nine separate days from March 1 to November 28, 2006. Specifically, the failure occurred on the following dates: March 1 for six hours, March 8 for one hour, March 21 for six hours, May 28 for two hours, June 16 for 10 minutes, August 13 for an unknown amount of time, October 14 for . . . A12i6

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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC, STC No. 12 OP

Description: Failed to comply with the hourly MAER for SO2 for Heaters H-100, H-200, H-300, H-400, H-500, H-600, H-700, H-800, H-6101, and H-6102. A8c2Aii

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 61, Subpart FF 61.355(a)(1)(i)  
40 CFR Part 61, Subpart FF 61.355(a)(4)(i)  
40 CFR Part 61, Subpart FF 61.355(c)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
GTC, STC 1A and 12 OP

Description: Failed to determine the total annual benzene quantity for 18 separate waste streams at the plant which contained benzene and greater than 10% water, and to include all waste streams in calculations to determine if the plant has benzene greater than 10 megagrams per year ("10 Mg/yr") and as such, subject to regulatory requirements. Specifically, in 2005 and 2006, the Respondent took samples from one 10-inch line after the process wastewater streams were co-mingled prior to it entering the Equali

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)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903, Special Condition 1 PERMIT  
O-02251 OP

Description: Failed to comply with the CO MAER of 34.01 lbs/hr for Heaters H-0400, H-0700, and H-0800. Specifically, on January 12, 2007, Heater H-0400 had an emission rate of 44.48 lbs/hr for one hour. On November 26, 2006 and July 22, 2007, Heater H-0700 had an emission rate of 70.43 lbs/hr and 35.31 lbs/hr, respectively, for one hour each day. On July 3, 2007, Heater H-0800 had an emission rate of 40.17-42.87 lbs/hr for three hours, and on August 31, 2007 had a rate of 36.46 lbs/hr for one hour.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)

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 NNN 60.662(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903, Special Condition 20 PERMIT  
O-02551 OP

Description: Failed to send the spent caustic and the CPI/IGF streams to the carbon adsorption system for two hours on July 2, 2007 during the period that the thermal oxidizer (EPN: N-19) was not operating.

Effective Date: 12/20/2008

ADMINORDER 2006-1578-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)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 36644, PSD-TX-903, and N-007, SC 1 PERMIT  
Air Operating Permit No. O-01877, GT & C PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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(2)

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

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

Rqmt Prov: O-01877 PERMIT

Description: Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report.

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)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 26644, PSD-TX-903, and N-007, SC 16B PERMIT  
36644 / PSD-TX-903 / N-007 PERMIT

36644, PSD-TX-903, and N-007, SC 16A PERMIT

O-01877 PERMIT

Description: Failed to operate the gas turbine and duct burner (EPN N-20A) in Co-generation Unit 1 within emissions limits of 15.3 lbs/hr and 6 ppm of NOx, 53.9 lbs/hr and 50 ppm of CO, and 7.61 lbs/hr and 7 ppm of NH3.

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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
 36644, PSD-TX-903, N-007, SC 16A PERMIT

36644, PS-TX-903, N-007, SC 16B PERMIT  
 O-01877 PERMIT

Description: Failed to operate the gas turbine and duct burner (EPN N-20B) in Co-generation Unit 2 within emissions limits of 24.1 lbs/hr and 9 ppm of NOx and 7.61 lbs/hr and 7 ppm of NH3.

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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
 36644, PSD-TX-903, N-007, SC 21 PERMIT

O-01877 PERMIT

Description: Failed to operate the Auxiliary Boiler B-7240, EPN N-14, within emissions limits of 13.6 lbs/hr and 20.1 tpy and firing rate limits of 0.06 lbs/MMBtu/hr of NOx, emissions limits of 15.6 lbs/hr and firing rate limits of 0.069 lbs/MMBtu/hr of CO, and 2.35 tpy of VOCs.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.5  
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent uncombined water in the form of steam vapor from Ethylene Cooling Tower from impairing visibility on adjacent public roads.

Effective Date: 12/20/2008 ADMINORDER 2005-1862-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to seal two open-ended valves or lines which resulted in Volatile Organic Compound emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter D 115.355(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 36644, PSD-TX-903 PERMIT

Description: Failed to follow 40 CFR § 60, Appendix A, Method 21 when conducting fugitive emission monitoring.

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	02/18/2004	(260861)
2	02/23/2004	(327651)
3	02/26/2004	(261623)
4	02/27/2004	(261562)
5	02/27/2004	(264339)
6	03/22/2004	(327652)
7	03/24/2004	(262485)
8	05/12/2004	(270524)
9	05/13/2004	(267724)

10	05/21/2004	(266755)
11	05/21/2004	(266870)
12	05/21/2004	(267205)
13	06/17/2004	(327657)
14	08/10/2004	(278542)
15	08/10/2004	(278948)
16	08/10/2004	(278949)
17	08/10/2004	(278950)
18	08/10/2004	(278952)
19	11/22/2004	(278953)
20	02/08/2005	(348963)
21	02/10/2005	(343578)
22	02/10/2005	(343769)
23	02/10/2005	(343973)
24	02/10/2005	(344219)
25	02/10/2005	(344242)
26	02/11/2005	(278954)
27	02/11/2005	(278958)
28	02/11/2005	(341798)
29	02/11/2005	(344252)
30	02/18/2005	(348919)
31	02/18/2005	(348961)
32	03/03/2005	(262072)
33	03/03/2005	(343703)
34	03/07/2005	(338015)
35	03/07/2005	(344251)
36	03/30/2005	(343817)
37	03/30/2005	(344244)
38	03/30/2005	(344248)
39	03/30/2005	(344253)
40	04/01/2005	(344250)
41	05/10/2005	(278956)
42	06/03/2005	(378687)
43	06/30/2005	(392984)
44	07/05/2005	(380492)
45	07/05/2005	(398319)
46	07/06/2005	(398263)
47	07/07/2005	(338249)
48	07/27/2005	(393566)
49	08/12/2005	(379097)
50	08/12/2005	(402436)
51	08/24/2005	(287879)
52	08/31/2005	(285271)
53	11/10/2005	(435935)
54	12/09/2005	(436076)
55	12/16/2005	(437551)
56	01/27/2006	(450346)
57	02/27/2006	(439417)
58	02/27/2006	(453972)
59	03/30/2006	(460864)
60	03/30/2006	(461163)
61	03/30/2006	(461169)
62	05/12/2006	(460115)
63	05/16/2006	(465406)
64	06/08/2006	(337298)
65	06/08/2006	(465332)
66	08/22/2006	(461611)
67	08/22/2006	(487941)
68	08/29/2006	(510272)
69	09/18/2006	(489929)
70	09/18/2006	(489930)
71	09/18/2006	(508808)
72	09/26/2006	(512738)

73	10/10/2006	(509369)
74	11/03/2006	(512514)
75	12/20/2006	(398261)
76	12/20/2006	(533392)
77	01/31/2007	(537305)
78	02/08/2007	(537506)
79	02/09/2007	(539274)
80	05/21/2007	(559168)
81	05/21/2007	(559801)
82	07/31/2007	(538827)
83	08/16/2007	(557840)
84	08/20/2007	(519464)
85	08/23/2007	(572334)
86	08/28/2007	(571955)
87	09/14/2007	(568320)
88	09/14/2007	(568498)
89	10/05/2007	(571498)
90	10/05/2007	(571538)
91	10/11/2007	(572093)
92	10/12/2007	(572320)
93	10/12/2007	(572490)
94	10/12/2007	(572737)
95	10/12/2007	(572746)
96	10/12/2007	(572823)
97	10/30/2007	(515193)
98	11/12/2007	(598216)
99	11/12/2007	(598249)
100	11/29/2007	(601118)
101	12/17/2007	(609075)
102	01/03/2008	(600699)
103	02/12/2008	(612301)
104	02/27/2008	(615308)
105	02/28/2008	(636328)
106	03/26/2008	(618828)
107	03/26/2008	(636406)
108	04/03/2008	(618788)
109	04/03/2008	(618810)
110	04/03/2008	(637173)
111	05/07/2008	(639841)
112	05/23/2008	(646260)
113	06/09/2008	(669807)
114	06/10/2008	(641519)
115	06/10/2008	(646565)
116	06/12/2008	(654391)
117	06/14/2008	(682556)
118	06/18/2008	(680217)
119	06/18/2008	(680261)
120	06/27/2008	(684500)
121	07/14/2008	(686123)
122	07/16/2008	(680169)
123	07/16/2008	(681112)
124	07/16/2008	(683107)
125	08/20/2008	(683987)
126	08/20/2008	(684511)
127	09/04/2008	(688139)
128	09/07/2008	(688218)
129	09/09/2008	(687790)
130	09/09/2008	(689602)
131	10/06/2008	(689179)
132	10/06/2008	(689227)
133	10/06/2008	(689470)
134	10/08/2008	(699637)
135	10/23/2008	(699846)

136 10/27/2008 (706451)  
 137 11/24/2008 (707931)  
 138 12/08/2008 (709755)  
 139 12/23/2008 (707971)  
 140 01/15/2009 (708306)

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

Date: 02/26/2004 (261623)  
 Self NO 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)  
 Permit No. 36644; PSD-TX-903 PERMIT  
 Description: On January 5, 2004, during the decoking process of Heater H-0800, an excess opacity event of greater than 5 percent occurred at EPN N-18.

Date: 05/12/2006 (460115) CN601706583  
 Self NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)  
 41945/PSD-TX-950/N-018, SC 13C PERMIT  
 41945/PSD-TX-950/N-018, SC 2A PERMIT  
 41945/PSD-TX-950/N-018, SC 2D PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7.

Date: 08/17/2007 (557840)  
 Self NO 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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 / PSD-TX-903 / N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01877 OP  
 Description: Failure to maintain an emission rate below the allowable limit for Nitrogen Oxides (NOx) and Carbon Monoxide (CO) at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

Self NO 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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 / PSD-TX-903 / N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01877 OP

Description: Failure to maintain an emission rate below the allowable limit for NOx at Co-generation Unit 2 (GTG-2), Emission Point Number N-20B.

Self Report? NO 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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 / PSD-TX-903 / N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01877 OP

Description: Failure to maintain an emission rate below the allowable limit for NOx and CO at the Auxiliary Boiler (B-7240), Emission Point Number N-14.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 / PSD-TX-903 / N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01877 OP

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus

the duct burner from exceeding 6 parts per million (ppm) NOx for Co-generation Unit 1.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01877 OP  
Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 9 parts per million (ppm) NOx for Co-generation Unit 2.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01877 OP  
Description: Failure to maintain an emission rate below the allowable limit for NOx and CO at the Auxiliary Boiler (B-7240), Emission Point Number N-14.  
Date: 08/20/2007 (519464)

Self Report? NO Classification: Moderate  
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 122.145(2)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02629 PERMIT  
Description: Failure to report 624 hourly deviations for the C4 Cooling Tower within 30-days of the end of the six-month deviation period.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02629 PERMIT  
Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 lbs/MMBtu for NOx for the C4 Boiler. B13

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02629 PERMIT  
Description: Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 6 parts per million by volume (ppmv) of NOx. B13

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02629 PERMIT  
Description: Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 100 parts per million by volume (ppmv) of CO. B13

Self Report? NO 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)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02629 PERMIT  
Description: Failure to maintain an emission rate below the allowable limit for NOx at C4 Boiler, EPN BLR. B13

Self Report? NO 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)  
 41945, PSD-TX-950, N-018 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Description:** Failure to maintain an emission rate below the allowable limit for CO at C4 Boiler, EPN BLR. B13

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 41945, PSD-TX-950, N-018 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)

**Description:** Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 5 ppmv of Ammonia (NH3) slip. B13

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart VV 60.482-6  
 41945, PSD-TX-950, N-018 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02629 PERMIT

**Description:** Failure to maintain five components with a cap, plug, second valve, or blind flange. B19g1

**Date:** 08/28/2007 (572764)

**Self Report?** NO **Classification:** Minor

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 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)  
 36644, PDS-TX-903, N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT

**Description:** Failure to prevent 61 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1 and F-4 Units. C10

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, PDS-TX-903, N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT

**Description:** Failure to maintain compliance with the one hour firing rate permit limitations of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters H-100, H-200, H-300, H-400, H-500, H-600, H-700, H-800, and H6102. In addition, failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters H-100, H-200, H-300, H-400, H-500, H-600, and H-700. B-13

**Self Report?** NO **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)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, PDS-TX-903, N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT

**Description:** Failure to maintain compliance with pound per hour permit limits for Nitrogen Oxides (NOx) for Heaters H-200, H-600, and H-700. B-13

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, PDS-TX-903, N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT

**Description:** Failure to maintain the ground flare gas minimum net heating value above 900 Btu/scf. B-13

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, PDS-TX-903, N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT  
 Description: Failure to operate the Thermal Oxidizer at temperatures of 1,800 degrees Fahrenheit or greater. B-13

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644, PDS-TX-903, N-007 PERMIT  
 40 CFR Part 60, Subpart NNN 60.665(l)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT  
 Description: Failure to report two by-pass events for the Thermal Oxidizer on the NSPS 40 CFR Part 60, Subpart NNN semi-annual report. C3

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 PERMIT  
 Description: Failure to report deviations on semi annual deviation reports. B13  
 Date: 10/11/2007 (572093)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(4)  
 30 TAC Chapter 116, SubChapter F 116.615(5)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 / PSD-TX-903 / N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 OP  
 Description: Failure to provide notification of start of construction for the following; Boilers B-7280 and B-7290, Enclosed Ground Flare and Cracking Furnace H-0900 no later than 15 working days after the commencement of construction.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(i)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 / PSD-TX-903 / N-007 PERMIT  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-02551 OP  
 Description: Failure to submit notification of actual date of initial start-up in a manner as to allow a representative of the TCEQ to be present at the commencement of operations.

Date: 01/03/2008 (600986) CN601706583  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 41945, PSD-TX-950, N-018 PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-02629 OP  
 Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 pounds per million British thermal units (lbs/MMBtu) of Nitrogen Oxides (NOx) from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 41945, PSD-TX-950, N-018 PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-02629 OP  
 Description: Failure to prevent emissions from exceeding 6 parts ppmv of NOx. on an hourly basis,

from the C4 Boiler, EPN: BLR.

Self Report?	NO	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) 30 TAC Chapter 122, SubChapter B 122.143(4) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-02629 OP		
Description:	Failure to maintain an emission rate below 1.8 pounds per hour (lbs/hr) of NOx from the C4 Boiler, EPN: BLR.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-02629 OP		
Description:	Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on 37 components in the C4 Unit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-02629 OP		
Description:	Failure to conduct audio, olfactory, and visual checks for Ammonia (NH3) leaks within the operating area every 12 hours.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)  41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter A 382.085(b) O-02629 OP		
Description:	Failure to maintain records of pilot flame presence in addition to the flow and composition parameters during operation of the High Pressure (EPN: P-7) and Low Pressure (EPN: P-6) Flares.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 106, SubChapter K 106.263 30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-02629 OP		
Description:	Failure to provide records for the use of two portable carbon adsorption systems (CAS) used in the C4 facility during the August 2007 turnaround.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) O-02629 OP		
Description:	Failure to report deviations on semi-annual deviation reports.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.355(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1) 41945 Special Condition 9F PERMIT 5C THSC Chapter 382 382.085(b) O-02629 OP		
Description:	Failure to follow 40 CFR 60, Appendix A, Method 21 when conducting fugitive emission monitoring.		
Date:	02/27/2008	(617637)	

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 21 PERMIT 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to maintain compliance with the one hour firing rate permit limitation of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters, H-0200 through H-0700.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 21 PERMIT 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters, H-0400, H-0700, and H-0800.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 14C PERMIT 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to maintain the gas net heating value above 900 Btu/scf to the Ground Flare, Emission Point Number: (EPN) N-15.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 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) 36644/PSD-TX-903, Special Condition 9 PERMIT 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to prevent 59 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1, F-3, and F-4 areas.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.355(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 9F PERMIT 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1) 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to follow 40 CFR 60, Appendix A, Method 21 when conducting fugitive emission monitoring.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 28 PERMIT 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to comply with a permit condition that requires welded heat exchanger construction for exchangers used in the cooling water cycle.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 9F PERMIT O-02551 OP		
Description:	Failure to monitor components when conducting fugitive emission monitoring.		

Self Report?	NO	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) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903, Special Condition 1 PERMIT 5C THSC Chapter 382 382.085(b) O-02551 OP		
Description:	Failure to maintain compliance with pound per hour permit limits for Sulfur Dioxide (SO2) for eight Heaters, H-0100 through H-0800.		
Date:	03/27/2008, (636406)		
Self Report?	NO	Classification:	Moderate
Citation:	2003-1317-AIR-E ORDER 5C THSC Chapter 382 382.085(b)		
Description:	Failure to submit the 2007 third quarter Project Progress Report within 15 days of the end of the quarter.		
Self Report?	NO	Classification:	Moderate
Citation:	2003-1317-AIR-E ORDER 5C THSC Chapter 382 382.085(b)		
Description:	Failure to submit the 2007 third quarter Stipulated Penalty Report within 30 days of the end of the quarter.		
Date:	06/10/2008 (646565)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(B) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) O-01877 OP		
Description:	Failure to submit a semiannual deviation report for the period of March 1, 2007, through August 31, 2007, within 30 days of the end of the reporting period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) O-01877 OP		
Description:	Failure to report all instances of deviations. The deviation report for the period of March 1, 2007, to August 31, 2007, was submitted on October 3, 2007, 3 days late. The late submittal of the deviation report was not listed as a deviation in the September 1, 2007, to February 29, 2008, deviation report.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(2) 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v) 5C THSC Chapter 382 382.085(b) O-01877 OP		
Description:	Failure to accurately certify compliance in the Annual Compliance Certification (ACC).		
Self Report?	NO	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) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903M1, N-007 PERMIT 5C THSC Chapter 382 382.085(b) O-01877 OP		
Description:	Failure to maintain an emission rate below the allowable limit for NOx at Co-generation Unit 2 (GTG-2), Emission Point Number N-20B.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 36644/PSD-TX-903M1, N-007 PERMIT 5C THSC Chapter 382 382.085(b) O-01877 OP		
Description:	Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx) at the Auxiliary Boiler (B-7240), Emission Point Number N-14.		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644/PSD-TX-903M1, N-007 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01877 OP

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 6 parts per million (ppm) NOx and 50 ppm CO for Co-generation Unit 1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644/PSD-TX-903M1, N-007 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01877 OP

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 6 parts per million (ppm) NOx for Co-generation Unit 2.

Date: 07/17/2008 (681112)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 36644 Special Condition 32A PERMIT  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit Continuous Emissions Monitoring System (CEMS) test reports within 60 days after sampling was completed.

Date: 07/17/2008 (683107)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644/PSD-TX-903M2, Special Condition 4A PERMIT  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)  
 5C THSC Chapter 382 382.085(b)  
 O-02551 OP

Description: Failure to submit a performance test report within 180 days of initial startup.

Date: 09/09/2008 (687790)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644/PSD-TX-903M2, Special Condition 31 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-02965, SC 32A OP

Description: Failure to submit a performance test report within 45 days of compliance testing.

Date: 09/09/2008 (689602)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 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 60.13(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 O-02965, SC 6 PERMIT  
 PERMIT 36644/PSD-TX-903, SC 32A OP

Description: Failure to submit Continuous Emissions Monitoring System (CEMS) test report within 60 days after sampling was completed.

Date: 10/24/2008 (699846)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 36644 Special Condition 21 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-02551 OP

Description: Failure to maintain compliance with the one-hour firing rate permit limitations of 0.07 lbs/MMBTU for Carbon Monoxide (CO), for DP Reactor Feed Heater, Emission Point

Number (EPN: N-12).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to report all instances of deviations.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
O-02551 OP  
Description: Failure to accurately certify compliance in the Annual Compliance Certification (ACC).

Date: 01/15/2009 (708306) CN601706583

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 20 D, PSD-TX-950, N OP  
Special Condition 8 PERMIT  
Description: Failure to conduct audio, olfactory, and visual checks for Ammonia (NH3) leaks within the operating area every 12 hours.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 17A, PSD-TX-950, N-018 OP  
Special Condition 8 PERMIT  
Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 pounds per million British Thermal Units (lbs/MMBTUs) of Nitrogen Oxides (NOx) from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 17A, PSD-TX-950, N-018 PERMIT  
Special Condition 8 OP  
Description: Failure to prevent emissions from exceeding 6 parts per million by volume (ppmv) of NOx on an hourly basis, from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 17B, PSD-TX-950, N-018 PERMIT  
Special Condition 8 OP  
Description: Failure to prevent emissions from exceeding 100 ppmv of CO on an hourly basis, from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 8 PERMIT  
Special Conditions 13C and 13E, PSD-TX-9 PERMIT  
Description: Failure to maintain records of pilot flame presence in addition to the flow and composition parameters during operation of the High Pressure EPN: P-7 and Low Pressure EPN: P-6 Flares.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart VV 60.482-6

5C THSC Chapter 382 382.085(b)  
Special Condition 9E, PSD-TX-950, N-018 PERMIT  
Special Terms and Conditions 1C and 8 OP

Description: Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on 9 components in the C4 Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 13B, PSD-TX-950, N-018 PERMIT  
Special Terms and Conditions 1C and 8 OP

Description: Failure to maintain a minimum of 300 British Thermal Units per standard cubic feet (BTUs/scf) net heating value for the gas sent to the High Pressure Flare (EPN; P-7).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 3A OP

Description: Failure to maintain records of daily flare observations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 19, PSD-TX-950, N-018 PERMIT  
Special Condition 8 OP

Description: Failure to maintain records of total sulfur for natural gas.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2F OP

Description: Failure to document a final record for a non-reportable incident within two weeks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 8 OP  
Special Conditions 9E and 27K, PSD-TX-95 PERMIT

Description: Failure to maintain records that included the actual time the weekly inspections were conducted.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
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)  
Special Condition 8 PERMIT  
Special Condition 9E, PSD-TX-950, N-018 PERMIT

Description: Failure to monitor newly installed components.

F. Environmental audits.

Notice of Intent Date: 04/27/2007 (561243)  
No DOV Associated  
Notice of Intent Date: 05/29/2007 (564833)  
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  
SABINA PETROCHEMICALS LLC  
RN100216977

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-0140-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 Sabina Petrochemicals LLC ("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 sense and together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant at 2700 Highway 366 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. 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 January 20, 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 Seven Thousand Five Hundred Fifty Dollars (\$7,550) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Six Thousand Forty Dollars (\$6,040) of the administrative penalty and One Thousand Five Hundred Ten Dollars (\$1,510) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on October 17, 2008, the Respondent applied for an amendment to New Source Review Permit No. 41945/PSD-TX-950/N-018 to address the nitrogen oxides ("NOx") emissions from the C4 Boiler.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As the owner and operator of the Plant, the Respondent is alleged to have failed to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 41945/PSD-TX-950/N-018 Special Condition No. 1, and Federal Operating Permit No. O-02629 Special Terms and Conditions No. 8, as documented during an investigation conducted on November 19, 2008. Specifically, on March 12, 2008, the NOx MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point Number: BLR).

## 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: Sabina Petrochemicals LLC, Docket No. 2009-0140-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. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for New Source Review Permit No. 41945/PSD-TX-950/N-018 within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - b. Within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification that the amendment to the permit addressed in Ordering Provision 2.a. has been issued. If an amendment has not been issued by that date, or within the period of any extension granted by the TCEQ, the Plant will remain subject to the existing limits in the permit, unless and until such limits are adjusted by other permit action, and Respondent shall certify that it has taken measures to operate the C4 Boiler to maintain emissions within those existing limits. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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 S. ...*  
For the Executive Director

6/23/2009  
Date

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

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

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

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

*Christopher P. Witte*  
Signature

March 2009 5/11/09  
Date

Christopher P. Witte  
Name (Printed or typed)  
Authorized Representative of  
Sabina Petrochemicals LLC

General Manager - Post Arthur Operations  
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.

