

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0316-AIR-E TCEQ ID: RN100216977 CASE NO.: 37261

RESPONDENT NAME: BASF FINA Petrochemicals Limited Partnership

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: BASF FINA NAFTA Region Olefins Complex, 2700 Highway 366, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-0140-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 13, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: 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 Respondent: Mr. Christopher Witte, General Manager, BASF FINA Petrochemicals Limited Partnership, P.O. Box 2506, Port Arthur, Texas 77643 Mr. John Lycan, Operations Director, BASF FINA Petrochemicals Limited Partnership, P.O. Box 2506, Port Arthur, Texas 77643 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 19, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 11, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to maintain an emission rate below the allowable limit for nitrogen oxides ("NOx") at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8). Specifically, the Respondent exceeded the permitted NOx emission limit of 35.34 pounds per hour ("lbs/hr") [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-2551 Special Terms and Conditions 11, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain an emission rate below the allowable limit for carbon monoxide ("CO") at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8). Specifically, the Respondent exceeded the permitted CO emission limit of 23.25 lbs/hr for Heater H-0100 and 34.01 lbs/hr for Heaters H-0200 through H-0800 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-2551 Special Terms and Conditions 11, New Source Review</p>	<p>Total Assessed: \$53,900</p> <p>Total Deferred: \$10,780 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$21,560</p> <p>Total Paid to General Revenue: \$21,560</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on February 5, 2009, the Respondent was issued an amendment to New Source Review Permit No. 36644/PSD-TX-903M1 that includes an increase in the permitted limit of CO and NOx for Heaters H-0100, H-0200, H-0300, H-0400, H-0500, H-0600, H-0700, and H-0800.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE§ 382.085(b)].		
--	--	--

Additional ID No(s): JE0834F

Attachment A
Docket Number: 2009-0316-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: BASF FINA Petrochemicals Limited Partnership
Payable Penalty Amount: Forty-Three Thousand One Hundred Twenty Dollars (\$43,120)
SEP Amount: Twenty-One Thousand Five Hundred Sixty Dollars (\$21,560)
Type of SEP: Pre-approved
Third-Party Recipient: West Port Arthur Home Energy Efficiency Program
Location of SEP: Jefferson County

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

1. Project Description

A. Project

Performing Party shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

CHIEF CLERKS OFFICE

2009 JUL 13 AM 10:44

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	17-Feb-2009	Screening	25-Feb-2009	EPA Due	10-Oct-2009
	PCW	30-Mar-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	BASF FINA Petrochemicals Limited Partnership
Reg. Ent. Ref. No.	RN100216977
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37261	No. of Violations	2
Docket No.	2009-0316-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

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 25-Feb-2009

Docket No. 2009-0316-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 37261

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)	10	50%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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) 233%

>> 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 seven previous 1660-style orders, one Findings order, ten previous similar NOV's, and ten previous non-similar NOV's. Penalty reduction due to two previous NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 233%

Screening Date 25-Feb-2009	Docket No. 2009-0316-AIR-E	PCW
Respondent BASF FINA Petrochemicals Limited Partnership		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37261		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN100216977		
Media [Statute] Air		
Enf. Coordinator James Nolan		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-2551 Special Terms and Conditions 11, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain an emission rate below the allowable limit for nitrogen oxides ("NOx") at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8). Specifically, the Respondent exceeded the permitted NOx emission limit of 35.34 pounds per hour ("lbs/hr") as shown in the attached table.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
	Harm	
OR	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"/>
	Percent	25%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
	Percent	0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	Adjustment	\$7,500
		\$2,500
Violation Events		
	Number of Violation Events 3	5 Number of violation days
mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	Violation Base Penalty	\$7,500
Three quarterly events are recommended for the period beginning with the first permit exceedance (January 3, 2008) and ending with the last permit exceedance (September 30, 2008).		
Good Faith Efforts to Comply	25.0% Reduction	\$1,875
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	x	<input type="text"/>
N/A	<input type="text"/>	(mark with x)
Notes	On February 5, 2009, an amended permit was issued increasing the NOx emission limit.	
	Violation Subtotal	\$5,625
Economic Benefit (EB) for this violation		
	Estimated EB Amount	\$137
Statutory Limit Test		
	Violation Final Penalty Total	\$23,100
	This violation Final Assessed Penalty (adjusted for limits)	\$23,100

Economic Benefit Worksheet

Respondent BASF FINA Petrochemicals Limited Partnership
Case ID No. 37281
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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)				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	\$2,500	3-Jan-2008	5-Feb-2009	1.09	\$137	n/a	\$137
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to amend permitted NOx emission limits. Date required is the first date of permit exceedance, and the final date is the date the amended permit was issued to the Respondent.

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 \$2,500

TOTAL \$137

Screening Date 25-Feb-2009	Docket No. 2009-0316-AIR-E	PCW
Respondent BASF FINA Petrochemicals Limited Partnership	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37261	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN100216977		
Media [Statute] Air		
Enf. Coordinator James Nolan		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-2551 Special Terms and Conditions 11, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain an emission rate below the allowable limit for carbon monoxide ("CO") at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8). Specifically, the Respondent exceeded the permitted CO emission limit of 23.25 lbs/hr for Heater H-0100 and 34.01 lbs/hr for Heaters H-0200 through H-0800, respectively, as shown in the attached table.	
Base Penalty	\$10,000	
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="text"/>	<input checked="" type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	Percent	<input type="text" value="25%"/>
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	Percent	<input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment	\$7,500	
\$2,500		
Violation Events		
Number of Violation Events	<input type="text" value="4"/>	<input type="text" value="18"/>
	Number of violation days	
mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
Violation Base Penalty	\$10,000	
Four quarterly events are recommended for the period beginning with the first permit exceedance (November 27, 2007) and ending with the last permit exceedance (October 30, 2008).		
Good Faith Efforts to Comply		
	25.0% Reduction	\$2,500
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text" value="(mark with x)"/>
Notes	On February 5, 2009, an amended permit was issued increasing the CO emission limit.	
Violation Subtotal	\$7,500	
Economic Benefit (EB) for this violation		
Estimated EB Amount	<input type="text" value="\$149"/>	Statutory Limit Test
	Violation Final Penalty Total	<input type="text" value="\$30,800"/>
This violation Final Assessed Penalty (adjusted for limits)		
<input type="text" value="\$30,800"/>		

Economic Benefit Worksheet

Respondent BASF FINA Petrochemicals Limited Partnership
Case ID No. 37261
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,500	27-Nov-2007	5-Feb-2009	1.19	\$149	n/a	\$149
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to amend permitted CO emission limits. Date required is the first date of permit exceedance, and the final date is the date the amended permit was issued to the Respondent.

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 \$2,500

TOTAL \$149

**BASF FINA Petrochemicals Limited Partnership
RN100216977**

Docket No. 2009-0316-AIR-E

Case No. 37261

Emissions Table for Violation 1

Heater	Date	NOx Emission Maximum (lbs/hr)	Hours of Exceedance
H-0300	1/3/2008	42.15	5
H-0300	9/30/2008	36.54	1
H-0400	9/30/2008	35.76	1
H-0600	7/10/2008	43.92	1
H-0600	9/30/2008	38.12	1
H-0700	5/5/2008	44.35	1
H-0700	6/16/2008	47.14	1
H-0800	6/16/2008	60.43	1

Emissions Table for Violation 2

Heater	Date	CO Emission Maximum (lbs/hr)	Hours of Exceedance
H-0100	10/24/2008	25.38	1
H-0200	7/5/2008	48.63	1
H-0200	10/30/2008	53.25	8
H-0300	1/3/2008	55.61	1
H-0400	8/5/2008	48.07	2
H-0500	10/1/2008	100.00	24
H-0500	10/2/2008	94.81	24
H-0500	10/3/2008	84.96	17
H-0600	1/3/2008	46.28	3
H-0600	6/3/2008	45.26	4
H-0700	11/27/2007	41.64	2
H-0700	12/16/2007	58.40	3
H-0700	2/6/2008	42.13	2
H-0700	7/2/2008	37.50	1
H-0800	5/1/2008	41.98	1
H-0800	5/7/2008	38.25	2
H-0800	5/14/2008	37.10	2
H-0800	9/27/2008	35.23	1
H-0800	9/29/2008	37.05	1

Compliance History Report

Customer/Respondent/Owner-Operator: CN600128912 BASF FINA Petrochemicals Limited Partnership Classification: AVERAGE Rating: 3.01

Regulated Entity: RN100216977 BASF FINA NAFTA REGION OLEFINS COMPLEX Classification: AVERAGE Site Rating: 8.78

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	87434
	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
	AIR NEW SOURCE PERMITS	REGISTRATION	87474
	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: March 03, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 26, 2004 to February 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

4. if Yes, who was/were the prior owner(s)?

BASF Corporation

BASF FINA Petrochemicals Limited Partnership

5. When did the change(s) in ownership occur?

08/14/2008

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

36644, PSD-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, PSD-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.

Effective Date: 01/30/2009

ADMINORDER 2008-1021-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 THSC Chapter 382 382.085(b)

Rqmt Prov: 41945/PSD-TX-950, Special Condition 1 PERMIT
O-02629 OP

Description: Failed to prevent unauthorized emissions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/26/2004	(261623)
2	02/27/2004	(261562)
3	02/27/2004	(264339)
4	03/22/2004	(327652)
5	03/24/2004	(262485)
6	04/22/2004	(367172)
7	05/12/2004	(270524)
8	05/13/2004	(267724)
9	05/18/2004	(367173)
10	05/21/2004	(266755)
11	05/21/2004	(266870)
12	05/21/2004	(267205)
13	06/01/2004	(267732)
14	06/17/2004	(327657)
15	07/19/2004	(367174)
16	08/10/2004	(278542)
17	08/10/2004	(278948)
18	08/10/2004	(278949)
19	08/10/2004	(278950)
20	08/10/2004	(278952)
21	08/24/2004	(367175)
22	09/21/2004	(367176)
23	09/21/2004	(367178)
24	10/22/2004	(367177)
25	11/22/2004	(278953)
26	12/22/2004	(390150)
27	01/21/2005	(390151)
28	02/08/2005	(348963)
29	02/10/2005	(343578)
30	02/10/2005	(343769)
31	02/10/2005	(343973)
32	02/10/2005	(344219)
33	02/10/2005	(344242)
34	02/11/2005	(278954)
35	02/11/2005	(278958)
36	02/11/2005	(341798)
37	02/11/2005	(344252)
38	02/18/2005	(348919)
39	02/18/2005	(348961)
40	02/23/2005	(427633)
41	03/03/2005	(262072)
42	03/03/2005	(343703)
43	03/07/2005	(338015)
44	03/07/2005	(344251)
45	03/22/2005	(390149)
46	03/30/2005	(343817)
47	03/30/2005	(344244)
48	03/30/2005	(344248)
49	03/30/2005	(344253)

50	04/01/2005	(344250)
51	04/18/2005	(427634)
52	05/10/2005	(278956)
53	05/10/2005	(427635)
54	06/03/2005	(378687)
55	06/20/2005	(427636)
56	06/30/2005	(392984)
57	07/05/2005	(380492)
58	07/05/2005	(398319)
59	07/06/2005	(398263)
60	07/07/2005	(338249)
61	07/27/2005	(393566)
62	08/10/2005	(399867)
63	08/12/2005	(379097)
64	08/12/2005	(402436)
65	08/23/2005	(447657)
66	08/24/2005	(287879)
67	08/31/2005	(285271)
68	09/01/2005	(447656)
69	09/19/2005	(447658)
70	10/21/2005	(492719)
71	11/10/2005	(435935)
72	11/28/2005	(492720)
73	12/09/2005	(436076)
74	12/16/2005	(437551)
75	12/21/2005	(492721)
76	01/24/2006	(492722)
77	01/27/2006	(450346)
78	02/22/2006	(492717)
79	02/27/2006	(439417)
80	02/27/2006	(453972)
81	03/22/2006	(492718)
82	03/30/2006	(460864)
83	03/30/2006	(461163)
84	03/30/2006	(461169)
85	04/19/2006	(506384)
86	05/12/2006	(460115)
87	05/16/2006	(465406)
88	05/22/2006	(465286)
89	05/23/2006	(461740)
90	05/23/2006	(506385)
91	06/08/2006	(337298)
92	06/08/2006	(465332)
93	06/19/2006	(506386)
94	07/21/2006	(528616)
95	08/21/2006	(528617)
96	08/22/2006	(461611)
97	08/22/2006	(487941)
98	08/29/2006	(510272)
99	09/18/2006	(489929)
100	09/18/2006	(489930)
101	09/18/2006	(508808)
102	09/26/2006	(512738)
103	09/26/2006	(528618)
104	09/26/2006	(528619)
105	10/10/2006	(509369)
106	11/03/2006	(512514)
107	11/21/2006	(551921)
108	11/21/2006	(551922)
109	12/15/2006	(551923)
110	12/20/2006	(398261)
111	12/20/2006	(533392)
112	01/22/2007	(589231)

113 01/31/2007 (537305)
114 02/08/2007 (537506)
115 02/09/2007 (539274)
116 03/19/2007 (589227)
117 03/19/2007 (589228)
118 05/14/2007 (589229)
119 05/21/2007 (559168)
120 05/21/2007 (559801)
121 06/21/2007 (589230)
122 07/23/2007 (605777)
123 07/31/2007 (538827)
124 08/16/2007 (557840)
125 08/20/2007 (519464)
126 08/23/2007 (605778)
127 08/24/2007 (567435)
128 08/28/2007 (571955)
129 09/14/2007 (568320)
130 09/14/2007 (568498)
131 09/24/2007 (605776)
132 09/24/2007 (605779)
133 09/24/2007 (605780)
134 10/05/2007 (571498)
135 10/05/2007 (571538)
136 10/11/2007 (572093)
137 10/12/2007 (572320)
138 10/12/2007 (572490)
139 10/12/2007 (572737)
140 10/12/2007 (572746)
141 10/12/2007 (572823)
142 10/30/2007 (515193)
143 11/12/2007 (598216)
144 11/12/2007 (598249)
145 11/16/2007 (600519)
146 11/26/2007 (696084)
147 11/29/2007 (601118)
148 12/17/2007 (609075)
149 12/20/2007 (631699)
150 01/03/2008 (600699)
151 01/18/2008 (631700)
152 02/12/2008 (612301)
153 02/27/2008 (615308)
154 02/28/2008 (636328)
155 03/20/2008 (677383)
156 03/26/2008 (618828)
157 03/26/2008 (636406)
158 03/31/2008 (639376)
159 04/03/2008 (618788)
160 04/03/2008 (618810)
161 04/03/2008 (637173)
162 04/18/2008 (677384)
163 05/07/2008 (639841)
164 05/20/2008 (696081)
165 05/23/2008 (646260)
166 06/09/2008 (669807)
167 06/10/2008 (641519)
168 06/10/2008 (646565)
169 06/12/2008 (654391)
170 06/14/2008 (682556)
171 06/18/2008 (680217)
172 06/18/2008 (680261)
173 06/20/2008 (696082)
174 06/27/2008 (684500)
175 07/11/2008 (696083)

176	07/14/2008	(686123)
177	07/16/2008	(680169)
178	07/16/2008	(681112)
179	07/16/2008	(683107)
180	08/18/2008	(717732)
181	08/20/2008	(683987)
182	08/20/2008	(684511)
183	09/04/2008	(688139)
184	09/07/2008	(688218)
185	09/09/2008	(687790)
186	09/09/2008	(689602)
187	09/18/2008	(717733)
188	10/06/2008	(689179)
189	10/06/2008	(689227)
190	10/06/2008	(689470)
191	10/08/2008	(699637)
192	10/16/2008	(717734)
193	10/23/2008	(699846)
194	10/27/2008	(706451)
195	11/13/2008	(688565)
196	11/19/2008	(733057)
197	11/24/2008	(707931)
198	12/08/2008	(709755)
199	12/18/2008	(733058)
200	12/23/2008	(707971)
201	01/08/2009	(733059)
202	01/15/2009	(708306)
203	01/19/2009	(733056)
204	01/28/2009	(708057)
205	01/28/2009	(721989)
206	02/04/2009	(725405)
207	02/04/2009	(725739)
208	02/11/2009	(720907)
209	02/25/2009	(724544)

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

Date: 02/26/2004 (261623)

Self Report? 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: 05/07/2004 (267732) CN600128912

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(5)
 Description: Failure to properly complete uniform hazardous waste manifests.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to include an inventory of emergency equipment in the facility's contingency plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to include the addresses of the emergency coordinators in the facility's contingency plan.

Date: 05/12/2006 (460115)

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 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 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 Nitrogen Oxides (NOx) and Carbon Monoxide (CO) at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

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 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: 08/31/2007 (605779) CN600128912
 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: 10/11/2007 (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)
 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 Auxilliary 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: 10/31/2008 (733057)

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:	01/15/2009 (708306)		
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/ssf) 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.
 Date: 02/11/2009 (720907)

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)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Condition 9E/PSD-TX-903 OP
 Description: Failure to prevent 48 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1, F-4, and Pygas areas.

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 12 PERMIT
 Special Condition 21/PSD-TX-903 PERMIT
 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) 5C THSC Chapter 382 382.085(b) Special Condition 12 OP Special Condition 14C/PSD-TX-903 PERMIT		
Description:	Failure to maintain the gas net heating value above 900 British Thermal Units per standard cubic feet (BTUs/scf) to the Ground Flare, Emission Point Number: (EPN) N-15.		
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 12 OP Special Condition 21/PSD-TX-903 PERMIT		
Description:	Failure to comply with permitted firing rate for Heater, H-0100.		
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 12 OP Special Condition 17B/PSD-TX-903 PERMIT		
Description:	Failure to monitor, record or maintain minimum water flow rate to the scrubber when unloading.		
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 the daily flare observations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 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)(1) 5C THSC Chapter 382 382.085(b) Special Condition 14C/PSD-TX-903 PERMIT Special Condition 3C OP		
Description:	Failure to operate the flare in a smokeless manner.		
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 12 PERMIT Special Condition 18D/PSD-TX-903 PERMIT		
Description:	Failure to conduct audio, olfactory, and visual checks for NH3 leaks within the operating area every 12 hours.		
Self Report?	NO	Classification:	Moderate
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:	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 VV 60.482-7(a) 5C THSC Chapter 382 382.085(b) Special Condition 12 OP Special Condition 4B/PSD-TX-903 PERMIT		
Description:	Failure to monitor 219 components in VOC service located in F-1 area.		
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 12 OP
 Special Condition 14B/PSD-TX-903 PERMIT
 Description: Failure to comply with conditions of a permit.
 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 12 OP
 Special Condition 21/PSD-TX-903 PERMIT
 Description: Failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBTUs for CO, for Heaters, H-0400, H-600, H-0700, H-0800, and H-6101.

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 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(e)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 OP
 Special Condition 32/PSD-TX-903 PERMIT
 Description: Failure to monitor for Carbon Monoxide, Oxides of Nitrogen, Sulfur Dioxide, and Oxygen on Heater 6101.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.116(e)(5)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 OP
 Description: Failure to obtain authorization for tube changes to Heater H-0300, EPN: N-3.

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
BASF FINA PETROCHEMICALS
LIMITED PARTNERSHIP
RN100216977

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0316-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 BASF FINA Petrochemicals Limited Partnership ("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 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 February 16, 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 Fifty-Three Thousand Nine Hundred Dollars (\$53,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-One Thousand Five Hundred Sixty Dollars (\$21,560) of the administrative penalty and Ten Thousand Seven Hundred Eighty Dollars (\$10,780) 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. Twenty-One Thousand Five Hundred Sixty Dollars (\$21,560) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.
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 February 5, 2009, the Respondent was issued an amendment to New Source Review Permit No. 36644/PSD-TX-903M1 that includes an increase in the permitted limit of carbon monoxide ("CO") and nitrogen oxides ("NOx") for Heaters H-0100, H-0200, H-0300, H-0400, H-0500, H-0600, H-0700, and H-0800.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain an emission rate below the allowable limit for NOx at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-2551 Special Terms and Conditions 11, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 19, 2008. Specifically, the Respondent exceeded the permitted NOx emission limit of 35.34 pounds per hour ("lbs/hr") as shown in the table below:

Heater	Date	NOx Emission Maximum (lbs/hr)	Hours of Exceedance
H-0300	1/3/2008	42.15	5
H-0300	9/30/2008	36.54	1
H-0400	9/30/2008	35.76	1
H-0600	7/10/2008	43.92	1
H-0600	9/30/2008	38.12	1
H-0700	5/5/2008	44.35	1
H-0700	6/16/2008	47.14	1
H-0800	6/16/2008	60.43	1

2. Failed to maintain an emission rate below the allowable limit for CO at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O-2551 Special Terms and Conditions 11, New Source Review Permit No. 36644/PSD-TX-903M1 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 19, 2008. Specifically, the Respondent exceeded the permitted CO emission limit of 23.25 lbs/hr for Heater H-0100 and 34.01 lbs/hr for Heaters H-0200 through H-0800, respectively, as shown in the table below:

Heater	Date	CO Emission Maximum (lbs/hr)	Hours of Exceedance
H-0100	10/24/2008	25.38	1
H-0200	7/5/2008	48.63	1
H-0200	10/30/2008	53.25	8
H-0300	1/3/2008	55.61	1
H-0400	8/5/2008	48.07	2
H-0500	10/1/2008	100.00	24
H-0500	10/2/2008	94.81	24
H-0500	10/3/2008	84.96	17
H-0600	1/3/2008	46.28	3
H-0600	6/3/2008	45.26	4
H-0700	11/27/2007	41.64	2
H-0700	12/16/2007	58.40	3
H-0700	2/6/2008	42.13	2
H-0700	7/2/2008	37.50	1
H-0800	5/1/2008	41.98	1
H-0800	5/7/2008	38.25	2
H-0800	5/14/2008	37.10	2
H-0800	9/27/2008	35.23	1
H-0800	9/29/2008	37.05	1

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: BASF FINA Petrochemicals Limited Partnership, Docket No. 2009-0316-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Twenty-One Thousand Five Hundred Sixty Dollars (\$21,560) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. 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 Swolin
For the Executive Director

6/18/2009
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.

John Lycan
Signature

5-12-2009
Date

John Lycan
Name (Printed or typed)
Authorized Representative of
BASF FINA Petrochemicals Limited Partnership

Operations Director
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.

Attachment A
Docket Number: 2009-0316-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF FINA Petrochemicals Limited Partnership
Payable Penalty Amount:	Forty-Three Thousand One Hundred Twenty Dollars (\$43,120)
SEP Amount:	Twenty-One Thousand Five Hundred Sixty Dollars (\$21,560)
Type of SEP:	Pre-approved
Third-Party Recipient:	West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

Performing Party shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, TX 77703

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

