

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 5

**DOCKET NO.:** 2009-0634-AIR-E **TCEQ ID:** RN100219526 **CASE NO.:** 37553**RESPONDENT NAME:** Texas Petrochemicals LLC

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Houston Plant, 8600 Park Place Boulevard, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 16, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Kirk Johnson, Plant Manager, Texas Petrochemicals LLC, 8600 Park Place Boulevard, Houston, TX 77017  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 24, 2008 and March 11 and 29, April 8 and 9, May 11, and July 14, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 8 and 9, 2008 and March 16, April 9, May 5, June 5, June 29, and July 25, 2009 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations and a record review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Specifically, during the emissions event that began on December 28, 2008 and lasted for 68 hours, the following unauthorized emissions were released from the 4D-3 Tower sump level control system when the Respondent failed to track the gradual change in light oil density and respond by recalibrating the 4D-3 sump level control system: 27 pounds ("lbs") of butenes, 20 lbs of 1,3-butadiene, 68 lbs of cis-3-heptene, 1,000 lbs of 4-vinyl-1-cyclohexene, 427 lbs of n-propylbenzene, 392 lbs of 1-methylindene, 372 lbs of trimethylindene, and 374 lbs of methyl-ethyl-naptha. Since the emissions event could have been avoided through better operational and/or maintenance procedures, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 46307, Special Condition ("SC") I].</p> <p>2) Failure to properly report Incident No. 118159 within 24 hours of discovery. Specifically, the Respondent failed to submit the initial report for Incident No.</p>	<p><b>Total Assessed:</b> \$63,140</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$31,570</p> <p><b>Total Paid to General Revenue:</b> \$31,570</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> Human health and the environment we exposed to pollutants which exceed levels that are protective.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. In response to Incident No. 118159, designed procedures which were implemented on January 7, 2009, to ensure calibration of the 4D-3 tower level control system to prevent the recurrence of an emissions event;</p> <p>b. In response to Incident No. 122612, re-established accountability with operations on April 11, 2009, added an additional alarm closer to the set point of the pressure relief device on May 8, 2009, and installed a process interlock on July 31, 2009 to prevent steam flow to Tower 4D-6;</p> <p>c. In response to Incident No. 121393, on March 18, 2009, scheduled maintenance of the reflux control valve of Tower 4D-4B, and lowered the alarm point for the tower pressure on March 25, 2009;</p> <p>d. In response to Incident No. 116286, isolated the dock line on November 24, 2008, and prior to putting it back in service, upgraded all gaskets in the same service;</p> <p>e. In response to Incident No. 116286, submitted the required information which included the basis for the emissions calculations on January 7, 2009;</p> <p>f. In response to Incident No. 116435, trained personnel on proper procedures when disconnecting a truck from the vent system after loading is complete on December 15, 2008;</p> <p>g. In response to Incident No. 120053, removed the Tank 27 vacuum breaker on February 11, 2009; and</p> <p>h. In response to Incident No. 110354, the level transmitters on 3D-129 and 3D-120 were upgraded by June 30, 2008.</p>

<p>118159 within 24 hours of discovery. Incident No. 118159 was discovered on December 29, 2008, but not reported until January 27, 2009. Furthermore, the initial notification was inaccurate by underestimating the emissions and administratively incomplete by failing to include the affected New Source Review permit number and associated emissions limit [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to submit a final report of a reportable emissions event (Incident No. 118159) within 14 days. Specifically, the emissions event ended on December 31, 2008, and the final report was not received until January 27, 2009. Furthermore, the report was inaccurate by significantly underestimating the emissions and administratively incomplete by failing to include the affected New Source Review permit number and the associated emissions limit [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failure to prevent unauthorized emissions during Incident No. 121335. Specifically, the March 14, 2009 emissions event resulted from a failure in the electrical breaker system, releasing the following unauthorized emissions over 18 hours: 36.9 lbs of volatile organic compounds ("VOCs") from the Flare, Emission Point Number ("EPN") EP5, 196 lbs of VOCs, which include 24 lbs of 1,3-butadiene, from the Fuel Gas Header, 157 lbs of 1,3-butadiene from Tank 8I (EPN: T-81), and 49 lbs of VOCs from the Fuel Gas Knockout Drum 6F6. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1].</p> <p>5) Failure to prevent unauthorized emissions during Incident No. 122612. Specifically, the April 11, 2009 emissions event resulted from charging steam to the Tower 4D-6 reboiler before starting the compressor, increasing the pressure which opened a relief valve releasing the following unauthorized emissions over five minutes: 5,774 lbs of VOCs, which includes 22 lbs of 1,3-butadiene. Since the</p>		<p><b>Ordering Provisions:</b></p> <ol style="list-style-type: none"> <li>1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</li> <li>2. The Order will also require the Respondent to: <ol style="list-style-type: none"> <li>a. Within 30 days after the effective date of this Agreed Order: <ol style="list-style-type: none"> <li>i. Review emissions event reporting requirements with reporting personnel to ensure timely submittal of reports, with inclusion of permit numbers and associated emissions limits as in Incident No. 118159; and</li> <li>ii. Implement measures to develop maintenance procedures for inspecting the main electrical breaker system using infrared detection and seal off the cable entrance to the 9A breaker cubicle designed to prevent dust buildup, as in Incident No. 121335.</li> </ol> </li> <li>b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision No. 2.a.;</li> <li>c. Within 90 days after the effective date of this Agreed Order, perform calculation assessments with the TCEQ Houston Regional Office to utilize proper calculation methods to determine emissions from Incident No. 118159, and implement training of personnel to properly calculate emissions for emissions events similar to Incident No. 118159; and</li> <li>d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.</li> </ol> </li> </ol>
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emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1].

6) Failure to prevent unauthorized emissions during Incident No. 121393. Specifically, the March 16, 2009 emissions event resulted from overpressure of Tower 4D-4B due to a malfunction of the reflux control valve releasing 36,817.5 lbs of unauthorized VOCs over five hours and 33 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1].

7) Failure to prevent unauthorized emissions during Incident No. 116286. Specifically, the November 4, 2008 emissions event resulted from a leaking blind flange due to gasket failure in Fugitive Area 4, releasing 101.1 lbs of unauthorized VOCs for 15 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1].

8) Failure to comply with emissions event reporting requirements. Specifically, the November 4, 2008 emissions event final report for Incident No. 116286 failed to indicate the basis used for determining the quantity of air contaminants emitted and did not identify all emissions points involved in the event [30 TEX. ADMIN. CODE § 101.201(b)(1)(I) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failure to prevent unauthorized emissions during Incident No. 116435. Specifically, the November 6, 2008 emissions event resulted from a block valve on a vent line at the loading rack being left open after loading was completed, releasing 101 lbs of

<p>unauthorized VOCs for five minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1].</p> <p>10) Failure to prevent unauthorized emissions during Incident No. 120053. Specifically, the February 11, 2009 emissions event resulted from a gasket leak from the Tank 27 vacuum breaker vent, releasing 137.64 lbs of unauthorized VOCs for 15 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1].</p> <p>11) Failure to prevent visible emissions during Incident No. 110354. Specifically, on June 29, 2008, visible emissions from the Flare EPN5 caused 100% opacity for 20 minutes due to the number five gas compressor shutting down [30 TEX. ADMIN. CODE §§ 101.20(1), 111.111(a)(1)(A) and 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), and Air Permit No. 46307, SC 9C].</p>		
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Additional ID No(s): HG0562P



**Attachment A**  
**Docket Number: 2009-0634-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Texas Petrochemicals LLC</b>
<b>Payable Penalty Amount:</b>	<b>Sixty-Three Thousand One Hundred Forty Dollars (\$63,140)</b>
<b>SEP Amount:</b>	<b>Thirty-One Thousand Five Hundred Seventy Dollars (\$31,570)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation - Houston Area Monitoring</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

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

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards (“NAAQS”) that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston’s progress toward achieving or remaining in attainment of the NAAQS.



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:

Christopher B. Amandes, Esquire  
Vinson & Elkins LLP  
First City Tower  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760

**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:

Litigation Division  
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

<b>DATES</b>	Assigned <b>30-Jun-2009</b>	PCW <b>28-Aug-2009</b>	Screening <b>30-Jun-2009</b>	EPA Due <b>27-Mar-2009</b>
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<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Texas Petrochemicals LLC		
Reg. Ent. Ref. No.	RN100219526		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37553	No. of Violations	11
Docket No.	2009-0634-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Benoit
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>		<b>\$30,300</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.</small>			
<b>Compliance History</b>	<b>200.0%</b> Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	<b>\$80,600</b>
Notes	Penalty enhancement due to 14 same or similar NOVs, one unrelated NOVs, four Agreed Orders with denial of liability, and two Agreed Orders without denial of liability. Penalty reduction due to two Notices of Intended Audit.		
<b>Culpability</b>	<b>0.0%</b> Enhancement	<i>Subtotal 4</i>	<b>\$0</b>
Notes	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<i>Subtotal 5</i>	<b>\$5,760</b>
<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<i>Subtotal 6</i>	<b>\$0</b>
Total EB Amounts	\$341	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$20,850		
<b>SUM OF SUBTOTALS 1-7</b>		<i>Final Subtotal</i>	<b>\$85,140</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<i>Adjustment</i>	<b>\$0</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
			<b>Final Penalty Amount</b>
			<b>\$85,140</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<i>Final Assessed Penalty</i>	<b>\$63,140</b>
<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<i>Adjustment</i>	<b>\$0</b>
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	No deferral is recommended for Findings Orders.		
<b>PAYABLE PENALTY</b>			<b>\$63,140</b>

**Screening Date:** 30-Jun-2009

**Docket No.:** 2009-0634-AIR-E

**PCW**

**Respondent:** Texas Petrochemicals LLC

Policy Revision 2 (September 2002)

**Case ID No.:** 37553

PCW Revision October 30, 2008

**Reg. Ent. Reference No.:** RN100219526

**Media [Statute]:** Air

**Enf. Coordinator:** Audra Benoit

### 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 <i>(number of NOVs meeting criteria)</i>	14	70%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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)** 200%

>> **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 14 same or similar NOVs, one unrelated NOVs, four Agreed Orders with denial of liability, and two Agreed Orders without denial of liability. Penalty reduction due to two Notices of Intended Audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 200%

<b>Screening Date:</b> 30-Jun-2009	<b>Docket No.:</b> 2009-0634-AIR-E	<b>PCW</b>	
<b>Respondent:</b> Texas Petrochemicals LLC	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.:</b> 37653	<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.:</b> RN100219526			
<b>Media [Statute]:</b> Air			
<b>Enf. Coordinator:</b> Audra Benoit			
<b>Violation Number:</b> 1			
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 46307, Special Condition ("SC") 1		
<b>Violation Description:</b>	Failed to prevent unauthorized emissions during Incident No. 118159. Specifically, during the December 28, 2008 emissions event the following unauthorized emissions were released from the 4D-3 Tower sump level control system over a period of 68 hours when the Respondent failed to track the gradual change in light oil density and respond by recalibrating the 4D-3 sump level control system: 27 pounds ("lbs") of butenes, 20 lbs of 1,3-butadiene, 68 lbs of cis-3-heptene, 1,000 lbs of 4-vinyl-1-cyclohexene, 427 lbs of n-propylbenzene, 392 lbs of 1-methylindene, 372 lbs of trimethylindene, and 374 lbs of methyl-ethyl-naptha. Since the emissions event could have been avoided through better operational and/or maintenance procedures, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.		
<b>Base Penalty</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>			
	<b>Falsification</b>	Major      Moderate      Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
<b>Adjustment:</b>			\$7,500
			\$2,500
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="3"/>	
<small>mark only one with an x</small>	<b>Frequency</b>	daily weekly monthly quarterly semiannual annual single event	<b>Violation Base Penalty</b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$2,500
One quarterly event is recommended for the emissions event which occurred from December 28, 2008 to December 31, 2008.			
<b>Good Faith Efforts to Comply</b>			
	<b>25.0% Reduction:</b>		\$625
	Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="checkbox"/>	
	Ordinary	<input checked="" type="checkbox"/>	
	N/A	(mark with x)	
	<b>Notes:</b>	The Respondent completed corrective actions on January 7, 2009, prior to NOE date of April 9, 2009.	
<b>Violation Subtotal</b>			\$1,875
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
	<b>Estimated EB Amount</b>	<input type="text" value="\$4"/>	<b>Violation Final Penalty Total</b>
			\$6,875
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$6,875

### Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	28-Dec-2008	7-Jan-2009	0.03	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that recalibration of the 4D-3 tower system is performed in response to operational changes. The date required is the date of the emissions event. The final date is the date corrective actions were in place.

**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

\$3,000

**TOTAL**

\$4

<b>Screening Date</b> 30-Jun-2009	<b>Docket No.</b> 2009-0634-AIR-E	<b>PCW</b>		
<b>Respondent</b> Texas Petrochemicals LLC	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 37553	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN100219526				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Audra Benoit				
<b>Violation Number</b> 2				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to report incident No. 118159 within 24 hours of discovery. Specifically, incident No. 118159 was discovered on December 29, 2008, but not reported until January 27, 2009. Furthermore, the initial notification was inaccurate by underestimating the emissions and administratively incomplete by failing to include the affected New Source Review permit number and associated emissions limit.			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
<b>Major</b>			<b>Minor</b>	
<input type="checkbox"/>			<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="1%"/>
<b>Matrix Notes</b>	At least 70% of the rule requirement was met.			
<b>Adjustment</b>			\$9,900	
			\$100	
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="28"/>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input checked="" type="checkbox"/>		<b>Violation Base Penalty</b> <input type="text" value="\$100"/>	
One single event is recommended for the one late and inadequate report.				
<b>Good Faith Efforts to Comply</b>			<b>0.0% Reduction</b> <input type="text" value="\$0"/>	
			<small>Before NOV    NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>		<b>Violation Subtotal</b> <input type="text" value="\$100"/>	
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent does not meet good faith criteria for this violation.			
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b> <input type="text" value="\$54"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$300"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$300"/>	

## Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 2

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	30-Dec-2008	31-Jan-2010	1.09	\$54	n/a	\$54
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train personnel in correct procedures for calculating reportable quantities. The date required is the date the emissions event was due to be submitted. The final date is the estimated date that corrective actions will be in place.

**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

\$1,000

TOTAL

\$54

<b>Screening Date</b>	30-Jun-2009	<b>Docket No.</b>	2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LLC	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	37553	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN100219526			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra Benoit			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.201(c) and Tex. Health & Safety Code § 382.085(b).			
<b>Violation Description</b>	Failed to submit a final report of reportable emissions event, Incident No. 118519, within 14 days. Specifically, the emissions event ended on December 31, 2008, and the final report was not received until January 27, 2009. Furthermore, the report was inaccurate by significantly underestimating the emissions and administratively incomplete by failing to include the affected New Source Review permit number and the associated emissions limit.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
Falsification      Major      Moderate      Minor				
<input type="text"/> <input type="text"/> <input type="text"/> <input checked="" type="checkbox"/>				
				<b>Percent</b> <input type="text" value="1%"/>
<b>Matrix Notes</b>	At least 70% of the rule requirement was met.			
<b>Adjustment</b>				\$9,900
				<b>\$100</b>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<input type="text" value="12"/>	<b>Number of violation days</b>
mark only one with an x	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
One single event is recommended for the one late and inadequate report.				
<b>Good Faith Efforts to Comply</b>				
		<b>0.0% Reduction</b>		<input type="text" value="\$0"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$100
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$52"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$300"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$300

## Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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	\$1,000	15-Jan-2009	31-Jan-2010	1.04	\$52	n/a	\$52
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to review the emissions event reporting requirements with reporting personnel. The date required is the date the emissions event was due to be submitted. The final date is the estimated date the corrective actions will be in place.

### 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

\$1,000

**TOTAL**

\$52

<b>Screening Date</b>	30-Jun-2009	<b>Docket No.</b>	2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LLC			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	37553			PCW Revision October 30, 2008
<b>Reg. Ent. Reference No.</b>	RN100219526			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra Benoit			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 46307, SC 1			
<b>Violation Description</b>	Failed to prevent unauthorized emissions during incident No. 121335. Specifically, the March 14, 2009 emissions event resulted from a failure in the electrical breaker system, releasing the following unauthorized emissions over 18 hours: 36.9 lbs of volatile organic compounds ("VOCs") from the Flare, Emission Point Number ("EPN") EP5, 196 lbs of VOCs, which include 24 lbs of 1,3-butadiene, from the Fuel Gas Header; 167 lbs of 1,3-butadiene from Tank 81 (EPN: T-81), and 49 lbs of VOCs from the Fuel Gas Knockout Drum 6F6. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
		<b>Base Penalty</b>	\$10,000	

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

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				25%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes: Human health or the environment has been exposed to an insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment: \$7,500

\$2,500

**Violation Events**

Number of Violation Events: 1 Number of violation days: 1

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty: \$2,500

One quarterly event is recommended based on the emissions event which occurred on March 14, 2009.

**Good Faith Efforts to Comply**

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal: \$2,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount: \$144 Violation Final Penalty Total: \$7,500

This violation Final Assessed Penalty (adjusted for limits): \$7,500

## Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	14-Mar-2009	28-Feb-2010	0.96	\$144	n/a	\$144

Notes for DELAYED costs

Estimated cost to implement improved maintenance procedures for the electrical breaker system. The date required is the date of the emissions event. The final date is the date of estimated compliance.

### 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

\$3,000

TOTAL

\$144

<b>Screening Date</b>	30-Jun-2009	<b>Docket No.</b>	2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LLC			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	37553			PCW Revision October 30, 2008
<b>Reg. Ent. Reference No.</b>	RN100219528			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra Benoit			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 46307, SC 1			
<b>Violation Description</b>	Failed to prevent unauthorized emissions during Incident No. 122612. Specifically, the April 11, 2009 emissions event resulted from charging steam to the Tower 4D-6 reboiler before starting the compressor, increasing the pressure which opened a relief valve releasing the following unauthorized emissions over five minutes: 5,774 lbs of VOCs, which includes 22 lbs of 1,3-butadiene. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
<b>Base Penalty</b>	\$10,000			

>> Environmental, Property and Human Health Matrix

OR		Harm			Percent
	Release	Major	Moderate	Minor	
	Actual		X		
	Potential				50%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$5,000

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$5,000

One monthly event is recommended based on the emissions event which occurred on April 11, 2009.

Good Faith Efforts to Comply

**10.0% Reduction** \$500

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

**Notes** The Respondent completed corrective actions on July 31, 2009, after the NOE date of June 5, 2009.

**Violation Subtotal** \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$69

Violation Final Penalty Total \$14,500

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

### Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$3,000	11-Apr-2009	31-Jul-2009	0.30	\$3	\$61	\$64
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Apr-2009	8-May-2009	0.07	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a process interlock to prevent steam flow to Tower 4D-6, adding an additional alarm closer to the set point of the pressure relief device, and re-establishing accountability with operations. The date required is the date of the emissions event. The final date is the date of compliance.

**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

\$4,500

**TOTAL**

\$69

<b>Screening Date</b> 30-Jun-2009	<b>Docket No.</b> 2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b> Texas Petrochemicals LLC	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37553	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100219526		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Audra Benoit		
<b>Violation Number</b> 6		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 46307, SC 1	
<b>Violation Description</b>	Failed to prevent unauthorized emissions during Incident No. 121393. Specifically, the March 16, 2009 emissions event resulted from overpressure of Tower 4D-4B due to a malfunction of the reflux control valve releasing 36,817.5 lbs of unauthorized VOCs over five hours 33 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
<b>Base Penalty</b>		\$10,000

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

<b>OR</b>	<b>Harm</b>				
		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<b>Actual</b>	<input checked="" type="checkbox"/>			
	<b>Potential</b>				<b>Percent</b> <input type="text" value="100%"/>

**>> Programmatic Matrix**

		<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
<b>Falsification</b>					
					<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes** Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment**

**\$10,000**

**Violation Events**

Number of Violation Events        Number of violation days

	daily	<input checked="" type="checkbox"/>
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

*mark only one with an x*

**Violation Base Penalty**

One daily event is recommended based on the emissions event that occurred on March 16, 2009.

**Good Faith Efforts to Comply**      **25.0% Reduction**      **\$2,500**

		<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>
<b>Extraordinary</b>			
<b>Ordinary</b>	<input checked="" type="checkbox"/>		
<b>N/A</b>			(mark with x)

**Notes** The Respondent completed corrective actions on March 25, 2009, prior to the NQE date of June 29, 2009.

**Violation Subtotal**

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

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37563  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	16-Mar-2009	25-Mar-2009	0.02	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to implement scheduled maintenance of the reflux control valve of Tower 4D-4B, and lower the alarm point for the tower pressure. The date required is the date of the emissions event. The final date is the date of compliance.

**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

\$3,000

**TOTAL**

\$4

<b>Screening Date</b>	30-Jun-2009	<b>Docket No.</b>	2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LLC			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	37553			PCW Revision October 30, 2008
<b>Reg. Ent. Reference No.</b>	RN100219526			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra Benoit			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 46307, SC 1			
<b>Violation Description</b>	Failed to prevent unauthorized emissions during Incident No. 116286. Specifically, the November 4, 2008 emissions event resulted from a leaking blind flange due to gasket failure in Fugitive Area 4, releasing 101.1 lbs of unauthorized VOCs for 15 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
		<b>Base Penalty</b>	\$10,000	

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

<b>OR</b>	<b>Harm</b>				
		Major	Moderate	Minor	
	<b>Actual</b>			X	<b>Percent</b> 25%
	<b>Potential</b>				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 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 this violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

		1	1	Number of violation days	
<i>mark only one with an x</i>	daily				<b>Violation Base Penalty</b> \$2,500
	weekly				
	monthly				
	quarterly	X			
	semiannual				
	annual				
	single event				

One quarterly event is recommended based on the emissions event that occurred on November 4, 2008.

**Good Faith Efforts to Comply**

	<b>25.0% Reduction</b>	\$625
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A	(mark with x)	
<b>Notes</b>	The Respondent completed corrective actions on November 24, 2008, prior to the NOE date of December 8, 2008.	
	<b>Violation Subtotal</b>	\$1,875

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$6 **Violation Final Penalty Total** \$6,875

**This violation Final Assessed Penalty (adjusted for limits)** \$6,875

## Economic Benefit Worksheet

**Respondent** Texas Petrochemicals LLC  
**Case ID No.** 37553  
**Reg. Ent. Reference No.** RN100219526  
**Media** Air  
**Violation No.** 7

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

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

**Delayed Costs**

Equipment	\$1,500	4-Nov-2008	24-Nov-2008	0.05	\$0	\$5	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to isolate the dock line and replace the flange gasket. The date required is the date of the emissions event. The final date is the date of compliance.

**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

\$1,500

TOTAL

\$6

<b>Screening Date</b>	30-Jun-2009	<b>Docket No.</b>	2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LLC			<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b>	37553			<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b>	RN100219526			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra Benoit			
<b>Violation Number</b>	B			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.201(b)(1)(I) and Tex. Health & Safety Code § 382.065(b)			
<b>Violation Description</b>	Failed to comply with emissions event reporting requirements. Specifically, the November 4, 2008 emissions event final report for Incident No. 116286 failed to indicate the basis used for determining the quantity of air contaminants emitted and did not identify all emissions points involved in the event.			
		<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<b>Percent</b>	1%	
<b>Matrix Notes</b>	At least 70% of the rule requirement was met.			
		<b>Adjustment</b>	\$9,900	
			\$100	
<b>Violation Events</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		1	64	Number of violation days
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	weekly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	monthly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	annual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Violation Base Penalty</b>	\$100	
	One single event is recommended based on one incomplete report.			
<b>Good Faith Efforts to Comply</b>				
		10.0%	Reduction	\$10
		Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
	Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	N/A	<input type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent submitted compliance documentation on January 7, 2009, after the NOE dated December 8, 2008.			
		<b>Violation Subtotal</b>	\$90	
<b>Economic Benefit (EB) for this violation</b>				
	<b>Estimated EB Amount</b>	\$1	<b>Violation Final Penalty Total</b>	\$290
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$290

## Economic Benefit Worksheet

**Respondent** Texas Petrochemicals LLC  
**Case ID No.** 37563  
**Reg. Ent. Reference No.** RN100219528  
**Media** Air  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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	\$150	4-Nov-2008	7-Jan-2009	0.18	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to ensure that reporting requirements are correctly met. The date required is the date of the emissions event. The final date is the date of compliance.

### 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

\$150

TOTAL

\$1

<b>Screening Date</b>	30-Jun-2009	<b>Docket No.</b>	2009-0634-AIR-E	<b>PCW</b>
<b>Respondent</b>	Texas Petrochemicals LLC	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	37553	<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN100219526			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Audra Benoit			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 48307, SC.1			
<b>Violation Description</b>	Failed to prevent unauthorized emissions during incident No. 116435. Specifically, the November 6, 2008 emissions event resulted from a block valve on a vent line at the loading rack being left open after loading was completed, releasing 101 lbs of unauthorized VOCs for five minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present affirmative defense were not met.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual			X
	Potential			
<b>Percent</b>				25%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
<b>Percent</b>				0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
<b>Adjustment</b>				\$7,500
				\$2,500
<b>Violation Events</b>				
<b>Number of Violation Events</b>		1	<b>Number of violation days</b>	
		1		
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
<b>Violation Base Penalty</b>				\$2,500
One quarterly event is recommended based on the emissions event that occurred on November 6, 2008.				
<b>Good Faith Efforts to Comply</b>				
		10.0% Reduction		\$250
		Before NOV	NOV to EOPRP/Settlement Offer	
Extraordinary				
Ordinary			X	
N/A		(mark with x)		
<b>Notes</b>	The Respondent completed corrective actions on December 15, 2008, after the NOE dated December 9, 2008.			
<b>Violation Subtotal</b>				\$2,250
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		\$5	<b>Violation Final Penalty Total</b>	
			\$7,250	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$7,250

### Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37653  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	6-Nov-2008	15-Dec-2008	0.11	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train personnel in correct procedures when disconnecting from the vent system after loading. The date required is the date of the emissions event. The final date is the date of compliance.

**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

\$1,000

TOTAL

\$5

<b>Screening Date:</b> 30-Jun-2009	<b>Docket No.:</b> 2009-0634-AIR-E	<b>PCW</b>
<b>Respondent:</b> Texas Petrochemicals LLC	Policy Revision 2 (September 2002)	
<b>Case ID No.:</b> 37553	PCW Revision October 30, 2008	
<b>Reg. Ent. Reference No.:</b> RN100219526		
<b>Media [Statute]:</b> Air		
<b>Enf. Coordinator:</b> Audra Benoit		
<b>Violation Number:</b> 10		
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 46307, SC 1	
<b>Violation Description:</b>	Failed to prevent unauthorized emissions during Incident No. 120053. Specifically, the February 11, 2009 emissions event resulted from a gasket leak from the Tank 27 vacuum breaker vent, releasing 137.64 lbs of unauthorized VOCs for 15 minutes. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
<b>Base Penalty:</b>	\$10,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				X
	Potential				
				25%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes:** Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

**Adjustment:** \$7,500

\$2,500

Violation Events

Number of Violation Events:  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:** \$2,500

One quarterly event is recommended based on the emissions event which occurred on February 11, 2009.

Good Faith Efforts to Comply

25.0% Reduction \$825

	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:** The Respondent completed corrective actions on February 11, 2009, prior to the March 18, 2009 NOE.

**Violation Subtotal:** \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount:** \$0

**Violation Final Penalty Total:** \$6,875

**This violation Final Assessed Penalty (adjusted for limits):** \$6,875

### Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 10

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$1,000	11-Feb-2009	11-Feb-2009	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace gasket for the normal operating pressure of the Tank 27 vacuum breaker vent. The date required is the date of the emissions event. The final date is the date of compliance.

**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

\$1,000

**TOTAL**

\$0

<b>Screening Date:</b> 30-Jun-2009	<b>Docket No.:</b> 2009-0634-AIR-E	<b>PCW</b>														
<b>Respondent:</b> Texas Petrochemicals LLC		<i>Policy Revision 2 (September 2002)</i>														
<b>Case ID No.:</b> 37553		<i>PCW Revision October 30, 2008</i>														
<b>Reg. Ent. Reference No.:</b> RN100219526																
<b>Media [Statute]:</b> Air																
<b>Enf. Coordinator:</b> Audra Benoit																
<b>Violation Number:</b> 11																
<b>Rule Cite(s):</b>	30 Tex. Admin. Code §§ 101.20(1), 111.111(a)(1)(A) and 116.115(c), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 60.18(c)(1) and Air Permit No. 46307, SC 9.c.															
<b>Violation Description:</b>	Failed to prevent visible emissions during incident No. 110354. Specifically, on June 29, 2008 visible emissions from the Flare EPN5 caused 100% opacity for 20 minutes due to the number five gas compressor going down. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.															
	<b>Base Penalty</b>	\$10,000														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
OR	<b>Harm</b>															
	Release	Major    Moderate    Minor														
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>														
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	<b>Percent</b>	25%														
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification	Major    Moderate    Minor														
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	<b>Percent</b>	0%														
<b>Matrix Notes:</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.															
	<b>Adjustment</b>	\$7,500														
		\$2,500														
<b>Violation Events</b>																
	Number of Violation Events	1														
		1														
	Number of violation days															
	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	
daily	<input type="checkbox"/>															
weekly	<input type="checkbox"/>															
monthly	<input type="checkbox"/>															
quarterly	<input checked="" type="checkbox"/>															
semiannual	<input type="checkbox"/>															
annual	<input type="checkbox"/>															
single event	<input type="checkbox"/>															
mark only one with an x		<b>Violation Base Penalty</b>														
		\$2,500														
	One quarterly event is recommended based on the opacity or visible emissions on June 29, 2008.															
<b>Good Faith Efforts to Comply</b>																
	<b>25.0% Reduction</b>	\$625														
	<table border="1" style="border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	(mark with x)			
	Before NOV	NOV to EDPRP/Settlement Offer														
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>														
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>														
N/A	<input type="checkbox"/>	(mark with x)														
<b>Notes:</b>	The Respondent completed corrective actions by June 30, 2008, prior to the July 25, 2009 NOE.															
	<b>Violation Subtotal</b>	\$1,875														
<b>Economic Benefit (EB) for this violation</b>																
	<b>Estimated EB Amount</b>	\$0														
	<b>Statutory Limit Test</b>															
	<b>Violation Final Penalty Total</b>	\$6,875														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$6,875														

### Economic Benefit Worksheet

**Respondent:** Texas Petrochemicals LLC  
**Case ID No.:** 37553  
**Reg. Ent. Reference No.:** RN100219526  
**Media:** Air  
**Violation No.:** 11

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	29-Jun-2008	30-Jun-2008	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent visible emissions. The date required is the date of the visible emissions. The final date is the date of compliance.

**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

\$1,500

TOTAL

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603436122 TEXAS PETROCHEMICALS LLC Classification: Rating:  
Regulated Entity: RN100219526 HOUSTON PLANT Classification: AVERAGE Site Rating: 17.96

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0562P
	AIR OPERATING PERMITS	PERMIT	1598
	AIR OPERATING PERMITS	PERMIT	2884
	AIR NEW SOURCE PERMITS	PERMIT	1341A
	AIR NEW SOURCE PERMITS	PERMIT	1766
	AIR NEW SOURCE PERMITS	PERMIT	4136
	AIR NEW SOURCE PERMITS	PERMIT	4238A
	AIR NEW SOURCE PERMITS	PERMIT	10296
	AIR NEW SOURCE PERMITS	PERMIT	10323A
	AIR NEW SOURCE PERMITS	PERMIT	10352A
	AIR NEW SOURCE PERMITS	PERMIT	10675A
	AIR NEW SOURCE PERMITS	PERMIT	10840A
	AIR NEW SOURCE PERMITS	PERMIT	11427A
	AIR NEW SOURCE PERMITS	PERMIT	11801
	AIR NEW SOURCE PERMITS	PERMIT	11801A
	AIR NEW SOURCE PERMITS	PERMIT	13805A
	AIR NEW SOURCE PERMITS	PERMIT	13806A
	AIR NEW SOURCE PERMITS	PERMIT	15606
	AIR NEW SOURCE PERMITS	PERMIT	16351
	AIR NEW SOURCE PERMITS	PERMIT	19806
	AIR NEW SOURCE PERMITS	PERMIT	22052
	AIR NEW SOURCE PERMITS	PERMIT	24187
	AIR NEW SOURCE PERMITS	PERMIT	28410
	AIR NEW SOURCE PERMITS	PERMIT	37317
	AIR NEW SOURCE PERMITS	PERMIT	40807
	AIR NEW SOURCE PERMITS	PERMIT	43252
	AIR NEW SOURCE PERMITS	PERMIT	43536
	AIR NEW SOURCE PERMITS	PERMIT	44268
	AIR NEW SOURCE PERMITS	PERMIT	44488
	AIR NEW SOURCE PERMITS	PERMIT	44686
	AIR NEW SOURCE PERMITS	PERMIT	44927
	AIR NEW SOURCE PERMITS	PERMIT	46307
	AIR NEW SOURCE PERMITS	PERMIT	46426
	AIR NEW SOURCE PERMITS	PERMIT	46456

AIR NEW SOURCE PERMITS	PERMIT	47147
AIR NEW SOURCE PERMITS	PERMIT	47393
AIR NEW SOURCE PERMITS	PERMIT	48550
AIR NEW SOURCE PERMITS	PERMIT	49829
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0562P
AIR NEW SOURCE PERMITS	AFS NUM	4820100031
AIR NEW SOURCE PERMITS	REGISTRATION	71443
AIR NEW SOURCE PERMITS	REGISTRATION	71687
AIR NEW SOURCE PERMITS	PERMIT	50761
AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
AIR NEW SOURCE PERMITS	REGISTRATION	77348
AIR NEW SOURCE PERMITS	REGISTRATION	77347
AIR NEW SOURCE PERMITS	REGISTRATION	77346
AIR NEW SOURCE PERMITS	REGISTRATION	77345
AIR NEW SOURCE PERMITS	REGISTRATION	77344
AIR NEW SOURCE PERMITS	REGISTRATION	77343
AIR NEW SOURCE PERMITS	REGISTRATION	78118
AIR NEW SOURCE PERMITS	REGISTRATION	79933
AIR NEW SOURCE PERMITS	REGISTRATION	79799
AIR NEW SOURCE PERMITS	REGISTRATION	80271
AIR NEW SOURCE PERMITS	REGISTRATION	80019
AIR NEW SOURCE PERMITS	REGISTRATION	79947
AIR NEW SOURCE PERMITS	REGISTRATION	80340
AIR NEW SOURCE PERMITS	REGISTRATION	80916
AIR NEW SOURCE PERMITS	REGISTRATION	80921
AIR NEW SOURCE PERMITS	REGISTRATION	81648
AIR NEW SOURCE PERMITS	REGISTRATION	81669
AIR NEW SOURCE PERMITS	REGISTRATION	81662
AIR NEW SOURCE PERMITS	REGISTRATION	82280
AIR NEW SOURCE PERMITS	PERMIT	50995
AIR NEW SOURCE PERMITS	REGISTRATION	82797
AIR NEW SOURCE PERMITS	PERMIT	83905
AIR NEW SOURCE PERMITS	REGISTRATION	87907
AIR NEW SOURCE PERMITS	REGISTRATION	87170
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008072134
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30417
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30417

Location: 8600 PARK PLACE BLVD, HOUSTON, TX, 77017

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 30, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 30, 2004 to June 30, 2009

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

Name: Audra Benoit Phone: (409) 899-8799

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

Effective Date: 04/26/2007

ADMINORDER 2005-0257-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter X 106.532

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

Description: Failed to prevent the unauthorized emission of 1,366 lbs of butane, 2,053 lbs of butylene isomers, 1,518 lbs of isobutylene, 5 lbs of methanol, 6 lbs of methyl tert-butyl ether, 12 lbs of pentane, and 12 lbs of propane to the atmosphere from the central gland water system during an avoidable emissions event on August 18

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

Rqmt Prov: Special Condition 2. PERMIT

Special Condition 3.E PERMIT

Description: Failed to equip and open-ended valve with a second valve, cap, blind flange, or plug.

Classification: Minor

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

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

Rqmt Prov: Special Condition 3.E PERMIT

Description: Failed to ensure that there were not screwed connections on lines greater than two inches in diameter.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.781(b)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 18 connections within one day after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to make the first attempt to repair 29 components within five days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 12.I. PERMIT

Description: Failed to repair 97 components within 15 days after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)  
30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to repair 55 components within seven days after discovering a leak.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to obtain authorization for the emissions from the oily water sewer hubs which lead to the API Separator.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter H 116.814(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Provision 7.E. OP

Special Condition 1.E (v) OP

Special Condition No. 12.E PERMIT

Description: Failure to equip five open-ended valves with a second valve, cap, blind flange or plug.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
30 TAC Chapter 116, SubChapter H 116.814(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1.E.(v) OP

Special Condition No. 12.E. OP

Description: Failed to seal three open-ended valves with a second valve, cap, blind flange, or plug.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 7.B.(i). OP

Description: Failed to ensure a leak-free connection while loading and/or unloading VOCs into rail car transport vessels.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly notify the TCEQ of an emissions event that occurred on July 23, 2005.

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that occurred on July 23, 2005.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit #46307, SC #1 PERMIT

Description: Failure to prevent unauthorized emissions of 1,290 lbs of VOCs.

Effective Date: 04/26/2007

ADMINORDER 2007-0073-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to prevent unauthorized emissions from Tank 851 during a cleaning process on September 14, 2006, resulting in an avoidable emissions event.

Classification: Minor

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

Description: Failure to submit the initial notification within 24 hours and the final report within two weeks of the end of the September 14, 2006 emissions event.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Release of unauthorized emissions that exceeded a reportable quantity.

Classification: Moderate

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

Rqmt Prov: No. 46307, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions of 104 lbs of butane, 9,066 lbs of butene, 6 lbs of butylenes isomers, 1,560 lbs of isobutene, 910 lbs of isobutylene, 45 lbs of propane, 87 lbs of propylene from the 4D-4A-OH Line over a period of 3 hrs and 22 min during an emissions event that occurred on December 1, 2006.

Effective Date: 01/12/2008

ADMINORDER 2007-1220-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Texas Petrochemicals is alleged to have failed to prevent unauthorized emissions during a June 25, 2007 emissions event, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 28, 2007.

Effective Date: 02/25/2008

ADMINORDER 2007-1675-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to prevent unauthorized emissions, resulting in 79.75 pounds ("lbs") of butene, 74.7 lbs of butane, 9.97 lbs of 1,3-butadiene, 1.99 lbs of benzene, 1.99 lbs of decane, 14.95 lbs of diisobutylene, 9.97 lbs of dimethylformamide, 19.94 lbs of ethylbenzene, 24.92 lbs of furfural, 1.99 lbs of indene, 4.98 lbs of methyl tertiary-butyl ether ("MTBE"), 4.98 lbs of toluene, 274.13 lbs of vinylcyclohexane, and 9.97 lbs of xylene, were released from the API Oil/Water Separator.

Effective Date: 04/03/2008

ADMINORDER 2007-1628-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 46307, Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions during a September 5, 2007 emissions event.

Classification: Minor

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

Description: Failed to report an emissions event within 24 hours after discovery.

Effective Date: 04/28/2008

ADMINORDER 2007-1141-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.206(e)(1)(B)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 46307, Special Condition 1 PERMIT

Description: Failed to comply with the following emissions limits for Engine 20G-437: 1.13 pounds per hour ("lbs/hr") of nitrogen oxides ("NOx"), 0.28 lbs/hr of carbon monoxide ("CO"), and 3.0 grams per horsepower-hour ("g/hp-hr") of CO, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE §§ 116.115(c) and 117.206(e)(1)(B) [now 30 TEX. ADMIN. CODE § 117.310(c)(1)], and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 16, 2007.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(C)(i)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the reference method stack test report of Engine 20G-437 by March 31, 2007, in violation of 30 TEX. ADMIN. CODE § 117.520(c)(2)(C)(i) [now 30 TEX. ADMIN. CODE § 117.9020(2)(C)(i)] and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 16, 2007. Specifically, the reference method stack test report of Engine 20G-437 was due by March 31, 2007, however it was not submitted until May 2, 2007.

Classification: Moderate

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

Rqmt Prov: 46307 - S.C. 1 PERMIT

Description: Failed to comply with the 0.24 lbs/hr CO emissions limits for Diesel Hydroblaster Engine 31G-2350, in violation of Air Permit No. 46307, Special Condition No. 1, 30 TEX. ADMIN. CODE §

116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 23, 2007. Specifically, during a March 14, 2007 reference method stack test of Diesel Hydroblaster Engine 31G-2350 the CO emissions were 0.33 lbs/hr.

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. (CEEDS Inv. Track. No.)

1	08/18/2004	(276597)
2	10/26/2004	(291758)
3	01/21/2005	(342214)
4	02/03/2005	(349418)
5	04/18/2005	(374447)
6	05/05/2005	(373870)
7	05/13/2005	(373465)
8	05/31/2005	(376325)
9	06/06/2005	(378762)
10	07/07/2005	(394060)
11	08/08/2005	(394042)
12	08/11/2005	(374658)
13	08/24/2005	(333418)
14	08/26/2005	(401337)
15	08/29/2005	(404046)
16	08/29/2005	(405738)
17	08/31/2005	(418954)
18	04/04/2006	(458271)
19	04/04/2006	(458283)
20	04/04/2006	(461031)
21	07/21/2006	(481780)
22	07/21/2006	(481873)
23	07/21/2006	(481904)
24	07/27/2006	(459885)
25	08/08/2006	(462831)
26	08/28/2006	(488528)
27	08/28/2006	(488585)
28	08/28/2006	(488643)
29	08/31/2006	(488584)
30	10/30/2006	(487750)
31	12/05/2006	(532642)
32	12/21/2006	(534106)
33	12/21/2006	(534110)
34	01/04/2007	(534107)
35	03/02/2007	(538543)
36	03/09/2007	(542643)
37	03/20/2007	(542634)
38	03/30/2007	(512156)
39	05/09/2007	(538778)
40	07/06/2007	(566435)
41	07/26/2007	(567778)
42	08/20/2007	(572373)
43	08/24/2007	(573306)
44	09/07/2007	(593363)
45	09/11/2007	(594099)
46	09/14/2007	(593593)
47	09/28/2007	(593596)

48 10/09/2007 (596500)  
 49 10/16/2007 (596503)  
 50 01/02/2008 (599484)  
 51 01/07/2008 (600299)  
 52 01/08/2008 (532643)  
 53 02/05/2008 (617279)  
 54 03/03/2008 (637501)  
 55 04/11/2008 (641520)  
 56 04/11/2008 (641789)  
 57 04/14/2008 (641694)  
 58 04/17/2008 (653266)  
 59 05/12/2008 (670630)  
 60 05/12/2008 (670633)  
 61 05/14/2008 (656870)  
 62 05/16/2008 (646404)  
 63 06/17/2008 (683420)  
 64 07/25/2008 (684787)  
 65 08/08/2008 (637055)  
 66 08/18/2008 (688757)  
 67 08/27/2008 (688150)  
 68 11/21/2008 (708822)  
 69 12/05/2008 (709187)

70 12/09/2008 (709190)  
 71 02/02/2009 (720969)  
 72 03/16/2009 (738254)  
 73 03/23/2009 (739285)  
 74 03/26/2009 (739849)  
 75 04/23/2009 (743434)  
 76 05/05/2009 (740749)  
 77 05/19/2009 (704531)  
 78 05/19/2009 (704665)  
 79 06/02/2009 (743774)  
 80 06/10/2009 (741018)  
 81 06/10/2009 (741021)  
 82 06/26/2009 (748818)  
 83 06/29/2009 (740757)

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

Date: 05/05/2005 (373870) CN603436122  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 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)  
 TCEQ Air Permit No. 46307, SC 9C PERMIT  
 Description: Failure to control smoke from a flare resulting in an exceedance of the 5 minute  
 time period in any two hours.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)  
 TCEQ Air Permit No. 46307 GC #7 PERMIT  
 Description: Failure to maintain information required to demonstrate compliance with the  
 general condition number 7 of TCEQ Air Permit No. 46307.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
 TCEQ Air Permit No. 46307 SC 1 PERMIT  
 Description: Failure to adhere to permit representations and conditions, such that the changes  
 resulted in a change in the method of control, the character and the emission rate  
 of air confaminants.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
Description: Failure to submit the final record for an emissions event

Date: 06/06/2005 (378762) CN603436122

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
Description: Failure to maintain opacity of emissions less than 20% at the Boiler #9 Stack.

Date: 08/08/2005 (394042) CN603436122

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(4)

Description: Failure to submit information by the due date.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to obtain a permit amendment for emissions from the D-100 Tower.

Date: 08/26/2005 (401337) CN603436122

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.814(a)  
TCEQ VERP Permit 46307 SC 8B PERMIT

Description: Failed to meet the requirements specified under TCEQ Source Sampling Procedure Manual Appendix P, 5.1.1.3, which requires samples should be drawn from either the vertical section near the base of the riser pipe or the top of a horizontal section prior to the riser pipe at a location where the pipe will be full.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)  
30 TAC Chapter 116, SubChapter H 116.814(a)  
TCEQ VERP 46307 GC 7 PERMIT

TCEQ VERP 46307 SC 8B PERMIT

Description: Failed to document "Zero Air Check", "Stabilization Time" and "Water Blank Check" as required by Manual Appendix P.

Date: 07/31/2006 (459885) CN603436122

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)(I)

Description: RE failed to submit stack test reports on time.

Date: 08/29/2006 (466376) CN603436122

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Found to be in violation of 30 TAC Chapter 101.4 and 5C THC Chapter 382.085(b) for failure to control emissions.

Date: 08/31/2006 (488584) CN603436122

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1 OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(6)  
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 THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.783(6)  
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 THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to plug open-ended lines.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to comply with 30 TAC 1170206(i) by operating pump between the hours of 6:00 AM to noon.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to document presence and frequency of drips and to the sensor that indicates failure of the seal system for the 23 pumps.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164(e)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598 OP

Description: Failure to conduct daily inspection on the Number 5 compressor seal system

sensor, which did not have an alarm system.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, 1A OP

Description: Failure repair leaking connector within 15 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(A)  
30 TAC Chapter 115, SubChapter H 115.781(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to monitor 18 pumps.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598 OP

Description: Failure to provide 30-day refilling notice to the IFR tank T-73.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to repair a leaking fugitive valve that is HRVOC service within 7 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01598, SC 1A OP

Description: Failure to conduct first attempt repair on a leaking valve in HRVOC service within one day.

Date: 12/21/2006 (534110) CN603436122

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Permit No. 46307, Special Condition No.1 PERMIT

Description: Release of unauthorized emissions that exceeded a reportable quantity.

Date: 12/21/2006 (534106) CN603436122

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Permit No. 46307, Special Condition No.1 PERMIT

Description: Operator inadvertently left a valve open resulting in unauthorized emissions.

Date: 08/21/2007 (572373) CN603436122

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Permit No. 46307, Special Condition No.1 PERMIT

Description: Failure to demonstrate an affirmative defense.

Date: 01/08/2008 (532643) CN603436122

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783(5)  
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)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

46307, Special Condition No. 12(E) PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01598, Special Terms & Cond. No. 1(A) OP  
O-01598, Special Terms & Cond. No. 19 OP

Description: Failure to seal 166 open-ended lines in VOC/HRVOC service and 92 open-ended lines in HAP service or a total of 258 open-ended lines during October 7, 2005 through October 7, 2006 reporting period.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
46307, Special Condition No. 1 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01598, Special Terms & Cond. No. 19 OP

Description: Failure to prevent the emissions from cooling towers CT-1, CT-10, and CT-14 from exceeding the VOC rolling 12-month permit limit from October 7, 2005 through October 6, 2006.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
46307, Special Condition No. 1 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01598, Special Terms & Cond. No. 19 OP

Description: Failure to prevent the hourly emissions from cooling tower CT-1 and CT-14 from exceeding the VOC emission rate limit in the VERP Permit No. 46307 MAER table.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.726(c)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01598, Special T & C No. 1(E)(ii) OP

Description: Failure of the continuous monitoring system to maintain adequate records on PRV 2063 and PVR 2071.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-01598, Special T & C No. 1(E)(ii) OP

Description: Failure to conduct the 2006 first quarter inspection of the transmitter associated with pressure relief valve No. 2071 and 2006 second quarter inspection of the transmitter associated with pressure relief valve Nos. 2166, 23, 818, and 819.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
46307, Special Condition No. 7 PERMIT  
5C THC Chapter 382, SubChapter A 382.085  
O-01598, Special Terms & Cond. 19 OP

Description: Failure to prevent tanks T-155 and T-85 from exceeding VERP Permit No. 46307 annual (on a rolling 12-month period) throughput limit.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)  
5C THSC Chapter 382 382.085(b)  
O-01598 Special Terms & Cond. No. 1(A) OP

Description: Failure to notify the EPA prior to the refilling of tanks T-74 and T-73, which is a violation of 40 CFR 63.120(a)(5).

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)  
5C THSC Chapter 382 382.085(b)  
O-01598, Special Terms & Cond. No. 1(A) OP

Description: Failure to maintain the hatch on the internal floating roof of tank T-74 closed at all times.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
5C THSC Chapter 382 382.085(b)

**Description:** Failure to repair two (2) leaking valves (tag nos. 1200081 & 1260261) within seven (7) calendar days after the leaks were found.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46307, Special Condition No. 11(B) PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 19 OP

**Description:** Failure to perform daily zero and span on the CEMS for the process heater 1B-901, boiler B-905, and stationary turbine 1G-901T.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46307, Special Condition No. 8(A) PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 19 OP

**Description:** Failure to perform multipoint calibration when cooling towers CT-14, CT-3, and CT-1 drifted by more than 10 percent.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46307, Special Condition No. 8(A) PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 19 OP

**Description:** Failure to manually collect and analyze three cooling tower samples during the calendar week that cooling tower CT-3 analyzer drifted by more than 10 percent.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46307, Special Condition No. 8(A) PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 19 OP

**Description:** Failure to calibrate the temperature probe on CT-1, CT-10, CT-14, CT-3, and CT-7 analyzers during the first half of 2006.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46307, Special Condition No. 1 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 19 OP

**Description:** Failure to prevent VOC emissions from cooling towers CT-1 and CT-14 from exceeding the VOC emission rate limit in the VERP Permit No. 46307, MAER table.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 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)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 46307, Special Condition No. 9 PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 1(A) OP  
 O-01598, Special Terms & Cond. No. 19 OP

**Description:** Failure to combust gas with a net heating value equal to or above 11.2 MJ/scm during four 5-minute periods.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.781(b)(8)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. 1(E)(v) OP

**Description:** Failure to quarterly monitor the pressure relieve valves associated with group GRP - FUG1/FUG2/FUG3.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 1(A) OP

Description: Failure to monitor four pumps in HAP service and one pump in VOC service on a monthly basis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 1(A) OP

Description: Failure to repair leaking valve within 15 days of leak discovery.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 115, SubChapter H 115.781(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01598 OP

Description: Failure to monitor two valves (Tag Nos. 668956 and 673684) on a quarterly basis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii)  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 1(A) OP

Description: Failure to perform the 10-year inspection on tanks T-71, T-114, and T-115.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 46307, Special Condition No. 6(E) PERMIT  
 5C THSC Chapter 382 382.085(b)  
 O-01598, Special Terms & Cond. No. 19 OP

Description: Failure to maintain operation without visible liquid leaks or spills at all loading/unloading facilities. The regulated entity reported that oil was seeping out from the bottom of tank T-84 from November 14, 2005 through April 6, 2006 and from April 8, 2006 through October 6, 2006.

Date: 04/11/2008 (641520) CN603436122

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 46307, Special Condition No. 1 PERMIT  
 5C THSC Chapter 382 382.085(b)

Description: Exceeded permit limits during an avoidable emissions event.

Date: 12/08/2008 (709187) CN603436122

Self Report? NO Classification: Moderate

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

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event.

Self Report? NO Classification: Minor

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

Description: Failed to comply the reporting requirements.

Date: 12/09/2008 (709190) CN603436122

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions.

Date: 03/16/2009 (738254)

CN603436122

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Tank 27 vacuum breaker vent.

F. Environmental audits.

Notice of Intent Date: 04/04/2008

(653971) No DOV Associated

Notice of Intent Date: 04/01/2008

(653990) 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.

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TEXAS PETROCHEMICALS LLC  
RN100219526**

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§  
§  
§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-0634-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a petrochemical plant at 8600 Park Place Boulevard in Houston, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on March 29, 2009, TCEQ staff determined that from December 28, 2008 to December 30, 2008, the Respondent failed to maintain allowable emissions rates during Incident No. 118159. Specifically, during the emissions event that began on December 28, 2008 and lasted for 68 hours, the following unauthorized emissions were released from the 4D-3 Tower sump level control system when the Respondent failed to track the gradual change in light oil density and respond by recalibrating the 4D-3 sump level control system: 27 pounds ("lbs") of butenes, 20 lbs of 1,3-butadiene, 68 lbs of cis-3-heptene, 1,000 lbs of 4-vinyl-1-cyclohexene, 427 lbs of n-propylbenzene, 392 lbs of 1-methylindene, 372 lbs of trimethylindene, and 374 lbs of methyl-ethyl-naptha.
4. During an investigation on March 29, 2009, TCEQ staff determined that the Respondent failed to properly report an emissions event. Specifically, the Respondent failed to submit the initial report for Incident No. 118159 within 24 hours of discovery. Incident No. 118159 was discovered on December 29, 2008, but not reported until January 27, 2009. Furthermore, the initial notification was inaccurate by underestimating the emissions and administratively incomplete by failing to include the affected New Source Review permit number and associated emissions limit.
5. During an investigation on March 29, 2009, TCEQ staff determined that the Respondent failed to submit a final report of a reportable emissions event, Incident No. 118159, within 14 days. Specifically, the emissions event ended on December 31, 2008, and the final report was not received until January 27, 2009. Furthermore, the report was inaccurate by significantly underestimating the emissions and administratively incomplete by failing to include the affected New Source Review permit number and the associated emissions limit.
6. During an investigation on April 8, 2009, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions during Incident No. 121335. Specifically, the March 14, 2009 emissions event resulted from a failure in the electrical breaker system, releasing the following unauthorized emissions over 18 hours: 36.9 lbs of volatile organic compounds ("VOCs") from the Flare, Emission Point Number ("EPN") EP5, 196 lbs of VOCs, which include 24 lbs of 1,3-butadiene, from the Fuel Gas Header, 157 lbs of 1,3-butadiene from Tank 81 (EPN: T-81), and 49 lbs of VOCs from the Fuel Gas Knockout Drum 6F6.
7. During an investigation on May 11, 2009, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions during Incident No. 122612. Specifically, the April 11, 2009 emissions event resulted from charging steam to the Tower 4D-6 reboiler before starting the compressor, increasing the pressure which opened a relief valve releasing the following unauthorized emissions over five minutes: 5,774 lbs of VOCs, which includes 22 lbs of 1,3-butadiene.
8. During an investigation on April 9, 2009, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions during Incident No. 121393. Specifically, the March 16, 2009 emissions event resulted from overpressure of Tower 4D-4B due to a malfunction of the reflux control valve releasing 36,817.5 lbs of unauthorized VOCs over five hours 33 minutes.

9. During an investigation on November 24, 2008, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions during Incident No. 116286. Specifically, the November 4, 2008 emissions event resulted from a leaking blind flange due to gasket failure in Fugitive Area 4, releasing 101.1 lbs of unauthorized VOCs for 15 minutes.
10. During an investigation on November 24, 2008, TCEQ staff determined that the Respondent failed to comply with emissions event reporting requirements. Specifically, the November 4, 2008 emissions event final report for Incident No. 116286 failed to indicate the basis used for determining the quantity of air contaminants emitted and did not identify all emissions points involved in the event.
11. During an investigation on November 24, 2008, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions during Incident No. 116435. Specifically, the November 6, 2008 emissions event resulted from a block valve on a vent line at the loading rack being left open after loading was completed, releasing 101 lbs of unauthorized VOCs for five minutes.
12. During an investigation on March 11, 2009, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions during Incident No. 120053. Specifically, the February 11, 2009 emissions event resulted from a gasket leak from the Tank 27 vacuum breaker vent, releasing 137.64 lbs of unauthorized VOCs for 15 minutes.
13. During a record review on July 14, 2009, TCEQ staff determined that the Respondent failed to prevent visible emissions during Incident No. 110354. Specifically, on June 29, 2008, visible emissions from the Flare EPN5 caused 100% opacity for 20 minutes due to the number five gas compressor shutting down.
14. The Respondent received notice of the violations on December 13 and 14, 2008, March 21, 2009, April 14, 2009, May 10, 2009, June 10, 2009, July 4, 2009, and July 30, 2009.
15. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. In response to Incident No. 118159, designed procedures which were implemented on January 7, 2009, to ensure calibration of the 4D-3 tower level control system to prevent the recurrence of an emissions event;
  - b. In response to Incident No. 122612, re-established accountability with operations on April 11, 2009, added an additional alarm closer to the set point of the pressure relief device on May 8, 2009, and installed a process interlock on July 31, 2009 to prevent steam flow to Tower 4D-6;
  - c. In response to Incident No. 121393, on March 18, 2009, scheduled maintenance of the reflux control valve of Tower 4D-4B, and lowered the alarm point for the tower pressure on March 25, 2009;

- d. In response to Incident No. 116286, isolated the dock line on November 24, 2008, and prior to putting it back in service, upgraded all gaskets in the same service;
- e. In response to Incident No. 116286, submitted the required information which included the basis for the emissions calculations on January 7, 2009;
- f. In response to Incident No. 116435, trained personnel on proper procedures when disconnecting a truck from the vent system after loading is complete on December 15, 2008;
- g. In response to Incident No. 120053, removed the Tank 27 vacuum breaker on February 11, 2009; and
- h. In response to Incident No. 110354, the level transmitters on 3D-129 and 3D-120 were upgraded by June 30, 2009.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, Special Condition ("SC") 1. Since the emissions event could have been avoided through better operational and/or maintenance procedures, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to properly report Incident No. 118159 within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit a final report of a reportable emissions event within 14 days, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions during Incident No. 121335, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent unauthorized emissions during Incident No. 122612, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &

- SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
7. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions during Incident No. 121393, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
  8. As evidenced by Findings of Fact No. 9, the Respondent failed to prevent unauthorized emissions during Incident No. 116286, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
  9. As evidenced by Findings of Fact No. 10, the Respondent failed to comply with emissions event reporting requirements, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(l) and TEX. HEALTH & SAFETY CODE § 382.085(b).
  10. As evidenced by Findings of Fact No. 11, the Respondent failed to prevent unauthorized emissions during Incident No. 116435, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
  11. As evidenced by Findings of Fact No. 12, the Respondent failed to prevent unauthorized emissions during Incident No. 120053, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 46307, SC 1. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
  12. As evidenced by Findings of Fact No. 13, the Respondent failed to prevent visible emissions during Incident No. 110354, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 111.111(a)(1)(A) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(1), and Air Permit No. 46307, SC 9C.
  13. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
  14. An administrative penalty in the amount of Sixty-Three Thousand One Hundred Forty Dollars (\$63,140) is justified by the facts recited in this Agreed Order, and considered in light of the

factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Thirty-One Thousand Five Hundred Seventy Dollars (\$31,570) of the administrative penalty. Thirty-One Thousand Five Hundred Seventy Dollars (\$31,570) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Sixty-Three Thousand One Hundred Forty Dollars (\$63,140) as set forth in Section II, Paragraph 14 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LLC, Docket No. 2009-0634-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 14 above, Thirty-One Thousand Five Hundred Seventy Dollars (\$31,570) of the assessed administrative penalty shall be offset with the condition the 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.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Review emissions event reporting requirements with reporting personnel to ensure timely submittal of reports, with inclusion of permit numbers and associated emissions limits as in Incident No. 118159;
    - ii. Implement measures to develop maintenance procedures for inspecting main electrical breaker system using infrared detection and seal off the cable entrance

to the 9A breaker cubicle designed to prevent dust buildup, as in Incident No. 121335.

- b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision No. 3.a. as described below in Ordering Provision No. 3.d.;
- c. Within 90 days after the effective date of this Agreed Order, perform calculation assessments with the TCEQ Houston Regional Office to utilize proper calculation methods to determine emissions from Incident No. 118159, and implement training of personnel to properly calculate emissions for emissions events similar to Incident No. 118159; and
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 4. 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.

5. 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.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Zedler  
For the Executive Director

12/11/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Texas Petrochemicals LLC. I am authorized to agree to the attached Agreed Order on behalf of Texas Petrochemicals LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Texas Petrochemicals LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that 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.

CK Johnson  
Signature

9/10/09  
Date

Kirk Johnson  
Name (Printed or typed)

Plant Manager  
Title

Authorized Representative of  
Texas Petrochemicals LLC

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: 2009-0634-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Texas Petrochemicals LLC</b>
<b>Payable Penalty Amount:</b>	<b>Sixty-Three Thousand One Hundred Forty Dollars (\$63,140)</b>
<b>SEP Amount:</b>	<b>Thirty-One Thousand Five Hundred Seventy Dollars (\$31,570)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston Regional Monitoring Corporation - Houston Area Monitoring</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

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

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards (“NAAQS”) that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston’s progress toward achieving or remaining in attainment of the NAAQS.

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:

Christopher B. Amandes, Esquire  
Vinson & Elkins LLP  
First City Tower  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760

**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:

Litigation Division  
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.

