

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1640-AIR-E TCEQ ID: RN100212109 CASE NO.: 38501
RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: TOTAL PETROCHEMICALS USA LA PORTE PLANT, 1818 Independence Parkway South, La Porte, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1015-AIR-E and 2009-1869-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 1, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Mark Douglass, Plant Manager, TOTAL PETROCHEMICALS USA, INC., 1818 Independence Parkway South, La Porte, Texas 77571 Mr. Ron Copeland, Environmental Coordinator, TOTAL PETROCHEMICALS USA, INC., 1818 Independence Parkway South, La Porte, Texas 77571 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 6, 2009</p> <p>Date of NOE Relating to this Case: September 22, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 3,787.96 pounds ("lbs") of propylene and 360.52 lbs of nitrogen oxides were released into the atmosphere due to the failure to prevent the build-up of solids in the Train 7 F-445 Filter which caused the release of air contaminants to the North Flare System (Incident No. 126165). The emissions event that occurred on June 28, 2009 lasted ten hours. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$8,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the build-up of solids in the Train 7 F-445 Filter; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.</p>

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Sep-2009	Screening	7-Oct-2009	EPA Due	31-May-2010
	PCW	19-Oct-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	TOTAL PETROCHEMICALS USA, INC.		
Reg. Ent. Ref. No.	RN100212109		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	38501	No. of Violations	1
Docket No.	2009-1640-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 492.0% Enhancement *Subtotals 2, 3, & 7* **\$12,300**

Notes: Penalty enhanced due to ten NOVs for same or similar violations, 26 NOVs for unrelated violations, 17 agreed orders containing a denial of liability, and two agreed orders without denial of liability.

Culpability No 0.0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

Economic Benefit 0.0% Enhancement* *Subtotal 6* **\$0**

Total EB Amounts \$231
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$14,800**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$14,800**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$10,000**

DEFERRAL 20.0% Reduction *Adjustment* **-\$2,000**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$8,000**

Screening Date 7-Oct-2009

Docket No. 2009-1640-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38501

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs:	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	26	52%
Orders:	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	17	340%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees:	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions:	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions:	Chronic excessive emissions events (number of events)	0	0%
Audits:	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other:	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 492%

>> 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 enhanced due to ten NOVs for same or similar violations, 26 NOVs for unrelated violations, 17 agreed orders containing a denial of liability, and two agreed orders without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 492%

Screening Date 7-Oct-2009

Docket No. 2009-1640-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38501

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 3,787.96 pounds ("lbs") of propylene and 360.52 lbs of nitrogen oxides were released into the atmosphere due to the failure to prevent the build-up of solids in the Train 7 F-445 Filter which caused the release of air contaminants to the North Flare System (Incident No. 126165). The emissions event that occurred on June 28, 2009 lasted ten hours. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area 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 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 upon the emissions event that occurred on June 28, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV

NOV to EDRP/Settlement Offer

X (mark with x)

The Respondent does not meet the good faith criteria.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$231

Violation Final Penalty Total \$14,800

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

Economic Benefit Worksheet

Respondent: TOTAL PETROCHEMICALS USA, INC.
Case ID No.: 38501
Reg. Ent. Reference No.: RN100212109
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$5,000	28-Jun-2009	31-May-2010	0.92	\$231	n/a	\$231

Notes for DELAYED costs

Estimated cost to prevent the build-up of solids in the Train 7 F-445 Filter. The date required is the violation date. The final date is based on the date corrective actions are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$231

Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.44
 Regulated Entity: RN100212109 TOTAL PETROCHEMICALS USA LA PORTE PLANT Classification: AVERAGE Site Rating: 7.57

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0036S
	AIR OPERATING PERMITS	PERMIT	1293
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010880
	AIR NEW SOURCE PERMITS	PERMIT	3908B
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0036S
	AIR NEW SOURCE PERMITS	PERMIT	54961
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX989
	AIR NEW SOURCE PERMITS	AFS NUM	4820100008
	AIR NEW SOURCE PERMITS	PERMIT	2269C
	AIR NEW SOURCE PERMITS	PERMIT	21538
	AIR NEW SOURCE PERMITS	PERMIT	18153
	AIR NEW SOURCE PERMITS	PERMIT	54856
	AIR NEW SOURCE PERMITS	REGISTRATION	73925
	AIR NEW SOURCE PERMITS	REGISTRATION	77776
	AIR NEW SOURCE PERMITS	REGISTRATION	77782
	AIR NEW SOURCE PERMITS	REGISTRATION	78962
	AIR NEW SOURCE PERMITS	REGISTRATION	16138
	AIR NEW SOURCE PERMITS	REGISTRATION	21538
	AIR NEW SOURCE PERMITS	REGISTRATION	2560
	AIR NEW SOURCE PERMITS	REGISTRATION	41719
	AIR NEW SOURCE PERMITS	PERMIT	83796
	AIR NEW SOURCE PERMITS	REGISTRATION	87874
	WASTEWATER	PERMIT	WQ0001000000
	WASTEWATER	PERMIT	TPDES0007421
	WASTEWATER	PERMIT	TX0007421
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD086981172
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30551
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50374
	WATER LICENSING	LICENSE	1010880
	STORMWATER	PERMIT	TXR05M372
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0036S

Location: 1818 INDEPENDENCE PARKWAY SOUTH, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 06, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 06, 2004 to October 06, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Roshondra Lowe Phone: (713) 767-3553

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: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 02/10/2005

ADMINORDER 2003-0089-AIR-E

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC1 PERMIT

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC3 PERMIT

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

Classification: Minor

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

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

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart DDD 60.565(k)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC4 PERMIT

Description: Failed to submit the semiannual reports.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Effective Date: 09/30/2005 ADMINORDER 2005-0146-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 09/30/2005 ADMINORDER 2005-0171-AIR-E

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/05/2006 ADMINORDER 2005-0540-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Air Permit No. 21538, SC 12B PERMIT
TCEQ Air Permit No. 21538, SC 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 03/06/2006 ADMINORDER 2004-2037-IWD-E

Classification: Moderate

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

Rqmt Prov: Permit Condition 2.g. OP

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

Classification: Moderate

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

Rqmt Prov: Effluent Limitations OP

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

Effective Date: 03/19/2007 ADMINORDER 2006-1040-AIR-E

Classification: Moderate

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

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

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

Effective Date: 04/13/2007 ADMINORDER 2006-1656-AIR-E

Classification: Moderate

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

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

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

Classification: Minor

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

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

Effective Date: 08/10/2007 ADMINORDER 2006-2092-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2008 ADMINORDER 2007-1139-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 3908B PERMIT

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

Effective Date: 04/03/2008 ADMINORDER 2007-1593-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failure to prevent an unauthorized emissions event.

Effective Date: 04/28/2008 ADMINORDER 2007-1425-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 05/22/2008

ADMINORDER 2007-1879-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 07/21/2008

ADMINORDER 2008-0162-AIR-E

Classification: Minor

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

Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 11, 2007 (Incident No. 95742).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Maximum Emission Rate Table PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: SC 6 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008

ADMINORDER 2008-0414-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: MERT PERMIT

Description: failed to prevent unauthorized emissions, Specifically, 145 pounds of propylene were released when the reaction in Train 8 Propylene Unit became unstable due to a faulty flow meter, resulting in an emissions event that began on October 14, 2007, and lasted for 26 hours and 25 minutes (Incident No. 98719).

Effective Date: 12/04/2008

ADMINORDER 2008-0944-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Air Permit No. 78962 PERMIT

Description: An improper circuit breaker installation procedure resulted in the loss of power to Trains 5 and 6, and in unauthorized emissions.

Effective Date: 05/18/2009

ADMINORDER 2008-1173-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition No. 8 PERMIT

Description: The RE failed to prevent an avoidable trip of electric power to Compressor K-5, resulting in a shutdown of Trains 5 and 6, and in significant propylene flare emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition No. 8 PERMIT

Description: The RE could not demonstrate that the failure of the K-5 compressor seal could not reasonably have been prevented by proper design, operation, or maintenance. Therefore, they could not present an affirmative defense for the unauthorized emissions resulting from this emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Permit No. 78962, GC #8 PERMIT

Description: TOTAL failed to prevent water from entering Train 7 Feed Pump, resulting in the pump shutdown

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2 PERMIT

Description: Failure to present an affirmative defense for the unauthorized emissions resulting from this emissions event. Therefore, the regulated entity is not exempted from relevant emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition No. 8 PERMIT

Description: Total failed to submit the Initial Notification for an emissions event to the TCEQ within 24 hours of discovering that the actual propylene emissions exceeded the corresponding initial estimate by more than a reportable quantity.

Classification: Minor

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

Description: Total failed to submit the Initial Notification for emissions event Incident No. 106126 to the TCEQ Houston Region Office within 24 hours of discovery, as required.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 2 PERMIT
General Condition No. 8 PERMIT

Description: The RE failed to keep the Thermal Oxidizer (in the Monument 2 Flare System) on line for fifteen hours when VOC vent streams were routed to it, as the Thermal Oxidizer has a higher DRE than the flare. Thus, this event resulted in avoidable unauthorized emissions.

Effective Date: 06/01/2009

ADMINORDER 2008-1773-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit No. 78962, GC #8 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 109106.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 107571, in violation of Air Permit No. 78962.

Classification: Minor

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

Description: Failed to report Incident No. 107571 within 24 hours after discovery.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 107743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 108007.

Effective Date: 07/09/2009

ADMINORDER 2009-0013-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit No. 78962, MAERT PERMIT

Description: Failed to prevent unauthorized emissions caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 78962 PERMIT

Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.

Effective Date: 07/20/2009

ADMINORDER 2009-0220-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit No. 78962, MAERT PERMIT

Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	10/08/2004	(335547)
2	10/13/2004	(352562)
3	10/18/2004	(335599)
4	10/19/2004	(335923)
5	10/22/2004	(337805)
6	11/03/2004	(338415)
7	11/11/2004	(290843)
8	11/12/2004	(335862)
9	11/16/2004	(352563)
10	11/23/2004	(352564)
11	12/13/2004	(336657)
12	12/13/2004	(338130)
13	12/14/2004	(338399)
14	12/20/2004	(295860)
15	12/20/2004	(338218)
16	12/20/2004	(338479)
17	12/27/2004	(382038)
18	12/28/2004	(338056)
19	12/29/2004	(343603)
20	12/29/2004	(343604)
21	12/31/2004	(290574)
22	12/31/2004	(291344)
23	01/06/2005	(291924)
24	01/06/2005	(337400)
25	01/07/2005	(292094)
26	01/07/2005	(336686)
27	01/07/2005	(338040)
28	01/10/2005	(262199)
29	01/13/2005	(345723)

30	01/26/2005	(342525)
31	02/22/2005	(382035)
32	02/23/2005	(349878)
33	02/24/2005	(350275)
34	02/24/2005	(350282)
35	03/01/2005	(349965)
36	03/02/2005	(372226)
37	03/08/2005	(372848)
38	03/21/2005	(382036)
39	03/22/2005	(382037)
40	03/24/2005	(349942)
41	03/24/2005	(372227)
42	03/29/2005	(371421)
43	04/01/2005	(375065)
44	04/08/2005	(348307)
45	04/28/2005	(374278)
46	06/03/2005	(376795)
47	06/03/2005	(419886)
48	06/23/2005	(379202)
49	06/24/2005	(419887)
50	06/27/2005	(392492)
51	07/05/2005	(395955)
52	07/05/2005	(396243)
53	07/08/2005	(395145)
54	07/08/2005	(395147)
55	07/08/2005	(395152)
56	07/12/2005	(398015)
57	08/10/2005	(404200)
58	08/19/2005	(441002)
59	08/23/2005	(404907)
60	08/25/2005	(405920)
61	09/12/2005	(441005)
62	09/19/2005	(441003)
63	10/21/2005	(441004)
64	11/03/2005	(418739)
65	11/21/2005	(435975)
66	11/28/2005	(468737)
67	01/24/2006	(468738)
68	01/24/2006	(468739)
69	02/14/2006	(468736)
70	02/15/2006	(453303)
71	02/21/2006	(455020)
72	02/23/2006	(455888)
73	02/25/2006	(456928)
74	02/27/2006	(456559)
75	02/28/2006	(457140)
76	02/28/2006	(457150)
77	02/28/2006	(457170)
78	03/20/2006	(498411)
79	04/24/2006	(463428)
80	04/25/2006	(458264)
81	04/27/2006	(456175)
82	05/01/2006	(498412)
83	05/16/2006	(463577)
84	05/16/2006	(463907)
85	05/16/2006	(465691)
86	05/17/2006	(465592)
87	05/26/2006	(467560)
88	05/30/2006	(498413)

89	05/31/2006	(480470)
90	05/31/2006	(480475)
91	06/07/2006	(498416)
92	06/20/2006	(498414)
93	06/22/2006	(482832)
94	06/22/2006	(482925)
95	06/23/2006	(483058)
96	06/29/2006	(481055)
97	06/29/2006	(484017)
98	07/12/2006	(484022)
99	07/13/2006	(498415)
100	07/14/2006	(484429)
101	07/26/2006	(487037)
102	08/03/2006	(487671)
103	08/03/2006	(488357)
104	08/04/2006	(345748)
105	08/17/2006	(484538)
106	08/21/2006	(520418)
107	08/21/2006	(520420)
108	09/05/2006	(497455)
109	09/05/2006	(509499)
110	09/07/2006	(510865)
111	09/08/2006	(489217)
112	09/22/2006	(520419)
113	10/06/2006	(530970)
114	10/16/2006	(511833)
115	10/20/2006	(575734)
116	11/06/2006	(516491)
117	11/20/2006	(517197)
118	11/21/2006	(516694)
119	11/21/2006	(575735)
120	02/05/2007	(534573)
121	02/12/2007	(575728)
122	02/15/2007	(539452)
123	03/09/2007	(539872)
124	03/13/2007	(542326)
125	03/19/2007	(536804)
126	03/22/2007	(542671)
127	03/22/2007	(542675)
128	03/22/2007	(575729)
129	04/04/2007	(575733)
130	04/10/2007	(543717)
131	04/12/2007	(540389)
132	04/13/2007	(575730)
133	04/23/2007	(556287)
134	04/30/2007	(542574)
135	05/08/2007	(559591)
136	05/14/2007	(556174)
137	05/16/2007	(555746)
138	05/16/2007	(555751)
139	05/16/2007	(575731)
140	05/25/2007	(536112)
141	05/30/2007	(556956)
142	05/31/2007	(559121)
143	05/31/2007	(559123)
144	06/08/2007	(555120)
145	06/08/2007	(562000)
146	06/15/2007	(555757)
147	06/18/2007	(561134)

148	06/19/2007	(562094)
149	06/20/2007	(561136)
150	06/21/2007	(560635)
151	06/21/2007	(560640)
152	06/22/2007	(575732)
153	06/25/2007	(560632)
154	06/27/2007	(561137)
155	07/05/2007	(560624)
156	07/18/2007	(565537)
157	07/24/2007	(561139)
158	07/30/2007	(565237)
159	08/13/2007	(566645)
160	08/20/2007	(607606)
161	08/29/2007	(565319)
162	09/11/2007	(569993)
163	09/21/2007	(607607)
164	09/26/2007	(570766)
165	10/17/2007	(594536)
166	10/18/2007	(594393)
167	10/23/2007	(619670)
168	10/23/2007	(619672)
169	11/12/2007	(599234)
170	11/12/2007	(619673)
171	11/19/2007	(572263)
172	11/20/2007	(597561)
173	11/26/2007	(619671)
174	11/30/2007	(600058)
175	12/07/2007	(600059)
176	12/11/2007	(597559)
177	12/17/2007	(609853)
178	01/28/2008	(570970)
179	01/30/2008	(613375)
180	02/15/2008	(612150)
181	02/21/2008	(672192)
182	03/10/2008	(616035)
183	03/10/2008	(616237)
184	03/24/2008	(690105)
185	03/31/2008	(610624)
186	04/14/2008	(690106)
187	05/09/2008	(640759)
188	05/16/2008	(690107)
189	05/16/2008	(690108)
190	05/30/2008	(640765)
191	06/04/2008	(654889)
192	06/05/2008	(671448)
193	06/11/2008	(671449)
194	06/11/2008	(671450)
195	06/11/2008	(710892)
196	06/18/2008	(682521)
197	06/30/2008	(681219)
198	06/30/2008	(682520)
199	07/02/2008	(683653)
200	07/10/2008	(683615)
201	07/18/2008	(685477)
202	07/21/2008	(710895)
203	07/22/2008	(687013)
204	07/25/2008	(686100)
205	08/01/2008	(687683)
206	08/13/2008	(686959)

207 08/13/2008 (688033)
 208 08/19/2008 (685005)
 209 08/19/2008 (686804)
 210 08/25/2008 (710893)
 211 09/24/2008 (710894)
 212 10/03/2008 (704204)
 213 10/20/2008 (727597)
 214 10/30/2008 (688227)
 215 10/31/2008 (699758)
 216 11/03/2008 (699774)
 217 11/03/2008 (699972)
 218 11/17/2008 (727598)
 219 11/21/2008 (704275)
 220 12/04/2008 (727599)

 221 12/09/2008 (704274)
 222 01/05/2009 (704277)
 223 01/21/2009 (706088)
 224 01/21/2009 (722792)
 225 01/27/2009 (723151)
 226 01/29/2009 (709785)
 227 02/06/2009 (704273)
 228 02/06/2009 (723709)
 229 02/06/2009 (723711)
 230 02/09/2009 (724256)
 231 02/13/2009 (704276)
 232 02/18/2009 (724508)
 233 02/23/2009 (724509)
 234 02/23/2009 (750407)
 235 03/18/2009 (736586)
 236 03/23/2009 (768462)
 237 03/23/2009 (768465)
 238 04/07/2009 (740317)
 239 04/10/2009 (738976)
 240 04/13/2009 (741583)
 241 04/20/2009 (768463)
 242 04/22/2009 (704209)
 243 04/28/2009 (738203)
 244 05/04/2009 (740997)
 245 05/05/2009 (739890)
 246 05/05/2009 (739891)
 247 05/12/2009 (700393)
 248 05/20/2009 (768464)
 249 05/22/2009 (721129)
 250 06/10/2009 (738207)
 251 06/23/2009 (745530)
 252 07/31/2009 (763543)
 253 09/22/2009 (763295)
 254 09/28/2009 (766433)
 255 10/05/2009 (776297)

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

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

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

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

Date: 07/08/2005 (395145) CN600582399
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to update the Notice of Registration (NOR)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
Description: Failure to conduct the inspection of containers on a regular weekly basis

Date: 07/31/2005 (441002) CN600582399
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/15/2006 (453303) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR Permit 21538, Special Condition 6 PERMIT
OP O-01293, Special Condition 11 OP
Description: Exceeded their MAERT limit because the temperature in the Enclosed Vapor Combustor was not maintain in order to achieve the destruction efficiency for VOC.

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

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.3552(4) and 40 CFR 60.482-6 (a)(1).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR Permit 2269C, Special Condition 19 PERMIT
OP Permit O-01293, Special Condition 11 OP

Description: Exceeded their MAERT emissions limit for the cooling tower, which is a violation of 30 TAC 116.115(b)(2)(F) and NSR 2269C S.C. 19.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failed to preform a first attempt at repair for thirteen components, which is a violation of 30 TAC 115.782(b)(1) .

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

Description: Exceeded the 3 percent threshold of difficult to monitor valves in relation to the total number of valves, which is a violation of 40 CFR 60.482-7(h)(2).

Date: 05/31/2006 (498414) CN600582399

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 06/27/2006 (484538) CN600582399

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 37, SubChapter C 37.251(d)

Description: Failure to provide a FT demonstration 90 days after company's fiscal year - but was subsequently resolved on 7-21-06 when we received a financial test demonstration.

Date: 10/06/2006 (530970) CN600582399

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/16/2006 (511833)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Air Permit #3908B, SC #1 PERMIT

Description: TOTAL failed to control the temperature on the Monument 2 reboiler which resulted in unauthorized emissions.

Date: 10/31/2006 (575735) CN600582399

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 03/31/2007 (575730) CN600582399

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

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

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

Date: 05/25/2007 (536112) CN600582399
Self Report? NO Classification: Moderate
Citation: 21538, SC 13 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.146(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
O-1293, Special Conditions 1 & 11 OP
Description: Failure to maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor Combustor ES-976.

Self Report? NO Classification: Moderate
Citation: 1293, Special Condition OP
2269C, SC 2 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to control non-fugitive emissions of gases to the atmosphere from rupture

discs.
Self Report? NO Classification: Moderate
Citation: 1293, SC 1 OP
21538, SC 5 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart DDD 60.562-1(a)(1)(i)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to maintain the required average temperature entering the catalyst bed to ensure destruction efficiency for Blender/Feeder Vent Gas Catalytic Oxidizer (ES-975).

Self Report? NO Classification: Moderate
Citation: 1293, Special Condition 1 OP
2269C, SC1 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits at Monument I Pellet Handling System during December 2005.

Self Report? NO Classification: Moderate
Citation: 18153, SC No. 8E PA
21538, SC No. 1E PA
2269C, SC No. 11E PA
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3908B, SC No. 4E PA

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01293, SC No. 11 OP

Description: Failure to ensure that each open-ended line is equipped with a cap or plug.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
O-01293, General Terms and Conditions OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
O-01293, General Terms and Conditions OP

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

Date: 05/31/2007 (575732) CN600582399

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 06/12/2007 (555757)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

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

Date: 06/30/2007 (575733) CN600582399

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 07/24/2007 (561139)

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

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Date: 07/31/2007 (607606) CN600582399

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/31/2007 (607607) CN600582399

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 09/30/2007 (619670) CN600582399

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

Date: 10/31/2007 (619671) CN600582399

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

Date: 01/31/2008 (672192) CN600582399

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

Date: 02/29/2008 (690105) CN600582399

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

Date: 04/01/2008 (610624) CN600582399

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 1(A) OP
Description: Failure to record the NOx concentration in the Waste Heat Boiler's (M2A-BO-3) stack.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
O-01293, General Terms & Conditions OP
Description: Failure to report all deviations in semi-annual deviation and annual compliance certification reports.

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3908B, Special Condition No. 2 PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 11 OP

Description: Failure to operate the Monument 2 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO Classification: Moderate
Citation: 21538, Special Condition No. 12(A) PERMIT

30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 11 OP

Description: Failure to operate the Train 8 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special T & C No. 1(F)(iii) OP

Description: Failure to commence taking daily samples within ten hours of the Train 8 Flare on-line analyzer malfunction after exceeding eight hours of downtime.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)

30 TAC Chapter 115, SubChapter H 115.764(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special T & C No. 1(F)(iii) OP

Description: Failure to operate a system to continuously determine the total strippable volatile organic compound (VOC) concentration at the Monument 1, Trains 1, 5/6, 7, 8, and 9 cooling towers and failure to determine the speciated strippable highly-reactive volatile organic compound (HRVOC) concentration.

Self Report? NO Classification: Minor
Citation: 21538, Special Condition No. 20(E) PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 11 OP

Description: Failure to report when the Waste Heat Boiler (M2A-BO-3) in-stack CO concentration exceeded the 100 ppmv permit limit to the TCEQ Regional Office within 48 hours.

Date: 05/31/2008 (710892) CN600582399

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 06/30/2008 (690108) CN600582399

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 07/31/2008 (710893) CN600582399

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/13/2008 (688033)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)
TCEQ Standard Permit No. 78962, GC #8 PERMIT

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

Date: 08/31/2008 (710894)

CN600582399

Self Report? YES

Classification: Moderate

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

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

Date: 02/18/2009 (724508)

Self Report? NO

Classification: Moderate

Citation: 21538 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Description: Exceeded permit limits during an avoidable emissions event.

Date: 02/23/2009 (724509)

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. Total failed to closet the Train 7 Reactor Bleeder Valve to the North Flare System.

Date: 04/13/2009 (738976)

Self Report? NO

Classification: Moderate

Citation: 21538, Special Condition No. 6 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Total failed to meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions released during the event.

Date: 05/04/2009 (740997)

Self Report? NO

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions.

Date: 05/22/2009 (721129)

CN600582399

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 1 (F)(iii) OP

Description: Failure to collect an additional sample of cooling tower water when VOC concentrations were above 50 ppbw.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
5C THSC Chapter 382 382.085(b)

Description: Failure to operate a stationary diesel or dual-fuel engine at the proper time.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain flare net heating value above 300 BTU/scf.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond 11 OP
Spec. Cpnd. 16F PERMIT

Description: Failure to test waste heat boiler under NSR Permit No. 3908B conditions.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond 5 PERMIT Spec. Cond. 11 PERMIT		
Description:	Failure to calibrate VOC monitor on catalytic oxidizer ES-975 before use.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 11 OP Spec. Cond. 5 PERMIT		
Description:	Failure to record daily data as stated in NSR Permit No. 18153, SC 5.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 11 OP Spec. Cond. 20E PERMIT		
Description:	Failure to report excess emissions within 48 hours.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 11 OP Spec. Cond. 12 PERMIT		
Description:	Failure to maintain thermal oxidizer temperature about 1,600 degrees F. while waste gas is directed to it.		

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1640-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 27, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent

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

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

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1, as documented during an investigation conducted on August 6, 2009. Specifically, 3,787.96 pounds ("lbs") of propylene and 360.52 lbs of nitrogen oxides were released into the atmosphere due to the failure to prevent the build-up of solids in the Train 7 F-445 Filter which caused the release of air contaminants to the North Flare System (Incident No. 126165). The emissions event that occurred on June 28, 2009 lasted ten hours. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2009-1640-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the build-up of solids in the Train 7 F-445 Filter; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

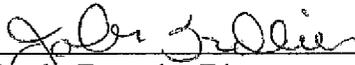
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

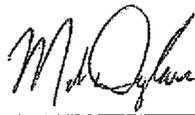
Date 1/8/2010

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

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

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

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



Signature

Date 11/23/2009

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

PLANT MANAGER
Title

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

