

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-1852-AIR-E **TCEQ ID:** RN100216977 **CASE NO.:** 38705  
**RESPONDENT NAME:** BASF FINA Petrochemicals Limited Partnership

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> NAFTA Region Olefins Complex, on State Highway 366, Gate 99 at the intersection of Highway 366 and Highway 73, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2010-0137-AIR-E and 2010-0393-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 19, 2010. 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. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-14, (361) 825-3420; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Christopher Witte, General Manager-Port Arthur Site, BASF FINA Petrochemicals Limited Partnership, P.O. Box 2506, Port Arthur, Texas 77643  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input 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> September 3, 2009</p> <p><b>Date of NOE Relating to this Case:</b> October 30, 2009</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>1) Failure to maintain compliance with the hourly nitrogen oxides ("NO<sub>x</sub>") maximum firing rate of 0.025 pounds per million British thermal units ("lbs/MMBtu") and the NO<sub>x</sub> emissions limit of 12.19 pounds per hour ("lbs/hr") for Heater H-0900. Specifically, during the period of January 4-7, 2009, the hourly firing rate of Heater H-0900 was documented to range from 0.032 to 0.127 lbs/MMBtu and the NO<sub>x</sub> emissions from Heater H-0900 were documented to range from 12.668 to 20.763 lbs/hr [Federal Operating Permit No. O-02551, Special Condition No. 11, Air Permit No. 36644, Special Condition Nos. 1 and 21, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to perform continuous emissions monitoring systems cylinder gas audits of Cogeneration Unit Nos. 1 and 2 during the second quarter of 2009 [Federal Operating Permit No. O-03015, Special Terms and Conditions, Air Permit No. 36644, Special Condition No. 30B, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$17,730</p> <p><b>Total Deferred:</b> \$3,546  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$14,184</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>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure that continuous emissions monitoring systems cylinder gas audits are conducted quarterly;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision a., as described in Ordering Provision e.;</p> <p>c. Within 105 days after the effective date of this Agreed Order, install additional ammonia storage capacity to ensure that Heater H-0900 is operated below the hourly NO<sub>x</sub> maximum firing rate and the NO<sub>x</sub> emissions limit; and</p> <p>d. Within 120 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision c., as described in Ordering Provision e.; and</p> <p>e. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions b. and d.</p>

Additional ID No(s): Air Account No. JB0843F



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-Nov-2009	Screening	13-Nov-2009	EPA Due	27-Jul-2010
	PCW	13-Nov-2009				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

Enf./Case ID No.	38705	No. of Violations	2
Docket No.	2009-1852-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		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**

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

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

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

Notes:

**Culpability**   Enhancement **Subtotal 4**

Notes:

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

**PAYABLE PENALTY**

Screening Date 13-Nov-2009

Docket No. 2009-1852-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 38705

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

### 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)	11	55%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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) 294%

>> 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 11 same or similar NOVs, eight unrelated NOVs, 10 agreed orders with a denial of liability, and one agreed order without a denial of liability. Penalty reduction due to two Notices of Intended Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 294%

Screening Date 13-Nov-2009

Docket No. 2009-1852-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 38705

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

Federal Operating Permit No. O-02551, Special Condition No. 11, Air Permit No. 36644, Special Condition Nos. 1 and 21, 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain compliance with the hourly nitrogen oxides ("NOx") maximum firing rate of 0.025 pounds per million British thermal units ("lbs/MMBtu") and the NOx emissions limit of 12.19 pounds per hour ("lbs/hr") for Heater H-0900. Specifically, during the period of January 4-7, 2009, the hourly firing rate of Heater H-0900 was documented to range from 0.032 to 0.127 lbs/MMBtu and the NOx emissions from Heater H-0900 were documented to range from 12.668 to 20.763 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 has been exposed to approximately 149 lbs of unauthorized NOx emissions as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 4

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based on the violation dates of January 4-7, 2009.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

\$0

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$312

Statutory Limit Test

Violation Final Penalty Total \$9,850

This violation Final Assessed Penalty (adjusted for limits) \$9,850

## Economic Benefit Worksheet

**Respondent** BASF FINA Petrochemicals Limited Partnership  
**Case ID No.** 38705  
**Reg. Ent. Reference No.** RN100216977  
**Media Air**  
**Violation No.** 1

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description 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	\$4,000	4-Jan-2009	27-Jul-2010	1.66	\$312	n/a	\$312
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 implement measures designed to ensure that Heater H-0900 is operated below the maximum allowable NOx firing rate and NOx emissions limit. The date required is the earliest documented occurrence of the violation. This final date is the projected date corrective actions will 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

\$4,000

TOTAL

\$312

Screening Date 13-Nov-2009

Docket No. 2009-1862-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 38705

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

Federal Operating Permit No. O-03015, Special Terms and Conditions, Air Permit No. 36644, Special Condition No. 30B, 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to perform continuous emissions monitoring systems cylinder gas audits of Cogeneration Unit Nos. 1 and 2 during the second quarter of 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or environmental receptors could have been exposed to an insignificant amount of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 136 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,000

Two single events are recommended based on the two cylinder gas audits that were not conducted.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Estimated EB Amount \$27

Statutory Limit Test

Violation Final Penalty Total \$7,880

This violation Final Assessed Penalty (adjusted for limits) \$7,880

# Economic Benefit Worksheet

**Respondent** BASF FINA Petrochemicals Limited Partnership

**Case ID No.** 38705

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

**Media** Air

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	1-Jul-2009	27-Jul-2010	1.07	\$27	n/a	\$27
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 implement measures designed to ensure that cylinder gas audits are conducted quarterly. The date required is the earliest date of the violation. The final date is the projected date corrective actions will 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 \$500

TOTAL \$27

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600128912 BASF FINA Petrochemicals Limited Partnership	Classification: AVERAGE	Rating: 8.53
Regulated Entity:	RN100216977 BASF FINA NAFTA REGION OLEFINS COMPLEX	Classification: AVERAGE	Site Rating: 14.06

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2551
	AIR OPERATING PERMITS	PERMIT	2629
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2629
	AIR OPERATING PERMITS	PERMIT	2965
	AIR OPERATING PERMITS	PERMIT	3015
	WASTEWATER	PERMIT	WQ0004135000
	WASTEWATER	PERMIT	TPDES0119369
	WASTEWATER	PERMIT	TX0119369
	AIR NEW SOURCE PERMITS	AFS NUM	4824500182
	AIR NEW SOURCE PERMITS	REGISTRATION	81534
	AIR NEW SOURCE PERMITS	PERMIT	36644
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0843F
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX950
	AIR NEW SOURCE PERMITS	PERMIT	41945
	AIR NEW SOURCE PERMITS	PERMIT	N007
	AIR NEW SOURCE PERMITS	PERMIT	N018
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
	AIR NEW SOURCE PERMITS	PERMIT	N007M1
	AIR NEW SOURCE PERMITS	REGISTRATION	76480
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M1
	AIR NEW SOURCE PERMITS	REGISTRATION	79052
	AIR NEW SOURCE PERMITS	REGISTRATION	81533
	AIR NEW SOURCE PERMITS	REGISTRATION	82105
	AIR NEW SOURCE PERMITS	REGISTRATION	81912
	AIR NEW SOURCE PERMITS	REGISTRATION	87434
	AIR NEW SOURCE PERMITS	REGISTRATION	87636
	AIR NEW SOURCE PERMITS	REGISTRATION	90114
	AIR NEW SOURCE PERMITS	REGISTRATION	86818
	AIR NEW SOURCE PERMITS	REGISTRATION	89672
	AIR NEW SOURCE PERMITS	REGISTRATION	89296
	AIR NEW SOURCE PERMITS	REGISTRATION	83457

AIR NEW SOURCE PERMITS	REGISTRATION	83454
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M3
AIR NEW SOURCE PERMITS	REGISTRATION	84227
AIR NEW SOURCE PERMITS	EPA ID	N018M1
AIR NEW SOURCE PERMITS	REGISTRATION	90113
AIR NEW SOURCE PERMITS	REGISTRATION	87625
AIR NEW SOURCE PERMITS	REGISTRATION	86080
AIR NEW SOURCE PERMITS	REGISTRATION	87474
AIR NEW SOURCE PERMITS	REGISTRATION	87753
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000039909
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	86596
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0843F

Location: ON SH 366 GATE 99 AT INTXN HWY 366 & HWY 73

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 13, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 13, 2004 to November 13, 2009

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

Name: Rebecca Johnson Phone: (361) 825-3420

### 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? Yes
3. If Yes, who is the current owner/operator? BASF FINA Petrochemicals Limited Partnership
4. If Yes, who was/were the prior owner(s)/operator(s)? BASF Corporation
5. When did the change(s) in owner or operator occur? 08/14/2008
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: 04/10/2005

ADMINORDER 2003-1317-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)(1)(B)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)  
30 TAC Chapter 101, SubChapter F 101.211(a)(1)(E)  
30 TAC Chapter 101, SubChapter F 101.211(b)(6)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

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

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset; failure to determine if emissions events were reportable.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b)

for the reportable upset at the Ethylene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT  
23 PERMIT  
23A PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT  
20 PERMIT  
PSD-TX-903, SC 1 PERMIT

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

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

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 26 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)  
30 TAC Chapter 101, SubChapter A 101.6(b)(6)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

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

Classification: Minor

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

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

Classification: Minor

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

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

Effective Date: 10/19/2006

ADMINORDER 2005-0456-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to maintain a Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the High Pressure Flare (EPN P-7). Incident 38862

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incidents 38857, 38858, & 38860

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain Carbon Monoxide and Nitrogen Oxide emission rates below the allowable

emission limits for the Low Pressure Flare (EPN P-6). Incident 38861

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43641.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43644.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43650.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Effective Date: 06/05/2008

ADMINORDER 2007-1481-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions. A8c2Ai

**Effective Date: 09/22/2008**

**ADMINORDER 2008-0095-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02629 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

**Effective Date: 11/17/2008**

**ADMINORDER 2008-0575-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failed to comply with the hourly maximum allowable emission rate ("MAER") for CO for

Heaters H-400, H-600, H-700, H-800, H-6101, and H-6102 from May 2, 2005 through October 16, 2006. (A8c2Aii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart NNN 60.662(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(a)  
5C THSC Chapter 382 382.085(b)

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

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

**Effective Date: 12/20/2008**

**ADMINORDER 2006-1578-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01877 PERMIT

Description: Failed to submit annual compliance certifications within 30 days after the end of the March

1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: 26644, PSD-TX-903, and N-007, SC 16B PERMIT  
36644 / PSD-TX-903 / N-007 PERMIT  
36644, PSD-TX-903, and N-007, SC 16A PERMIT  
O-01877 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
36644, PSD-TX-903, N-007, SC 16A PERMIT  
36644, PS-TX-903, N-007, SC 16B PERMIT  
O-01877 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT  
36644, PSD-TX-903, N-007, SC 21 PERMIT  
O-01877 PERMIT

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

Classification: Major

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

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

**Effective Date: 12/20/2008**

**ADMINORDER 2005-1862-AIR-E**

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.355(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 36644, PSD-TX-903 PERMIT

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

**Effective Date: 01/30/2009**

**ADMINORDER 2008-1021-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: 41945/PSD-TX-950, Special Condition 1 PERMIT  
O-02629 OP

Description: Failed to prevent unauthorized emissions.

**Effective Date: 08/23/2009**

**ADMINORDER 2009-0140-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1, PSD-TX-950, N-018 OP  
Special Condition 8 PERMIT

Description: Failed to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit. Specifically, on March 12, 2008, the NOx MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point Number: BLR).

**Effective Date: 08/31/2009**

**ADMINORDER 2009-0316-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1/PSD-TX-903 PERMIT  
Special Condition 12 PERMIT

Description: Failed to maintain an emission rate below the allowable limit for NOx at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1/PSD-TX-903 PERMIT  
Special Condition 12 OP

Description: Failed to maintain an emission rate below the allowable limit for CO at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

**Effective Date: 10/31/2009**

**ADMINORDER 2009-0750-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 36644/PSD-TX-903/N-007 PERMIT  
O-01877 OP

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

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	11/22/2004	(278953)
2	12/22/2004	(390150)
3	01/21/2005	(390151)
4	02/08/2005	(348963)
5	02/10/2005	(343578)
6	02/10/2005	(343769)
7	02/10/2005	(343973)
8	02/10/2005	(344219)
9	02/10/2005	(344242)
10	02/11/2005	(278954)
11	02/11/2005	(278958)
12	02/11/2005	(341798)
13	02/11/2005	(344252)
14	02/18/2005	(348919)
15	02/18/2005	(348961)
16	02/23/2005	(427633)
17	03/03/2005	(262072)
18	03/03/2005	(343703)
19	03/07/2005	(338015)
20	03/07/2005	(344251)
21	03/22/2005	(390149)
22	03/30/2005	(343817)
23	03/30/2005	(344244)
24	03/30/2005	(344248)
25	03/30/2005	(344253)
26	04/01/2005	(344250)
27	04/18/2005	(427634)
28	05/10/2005	(278956)
29	05/10/2005	(427635)
30	06/03/2005	(378687)
31	06/20/2005	(427636)
32	06/30/2005	(392984)
33	07/05/2005	(380492)
34	07/05/2005	(398319)
35	07/06/2005	(398263)
36	07/07/2005	(338249)
37	07/27/2005	(393566)
38	08/10/2005	(399867)
39	08/12/2005	(379097)
40	08/12/2005	(402436)
41	08/23/2005	(447657)
42	08/24/2005	(287879)
43	08/31/2005	(285271)
44	09/01/2005	(447656)
45	09/19/2005	(447658)
46	10/21/2005	(492719)
47	11/10/2005	(435935)
48	11/28/2005	(492720)
49	12/09/2005	(436076)
50	12/16/2005	(437551)
51	12/21/2005	(492721)
52	01/24/2006	(492722)
53	01/27/2006	(450346)
54	02/22/2006	(492717)
55	02/27/2006	(439417)
56	02/27/2006	(453972)
57	03/22/2006	(492718)
58	03/30/2006	(460864)

59	03/30/2006	(461163)
60	03/30/2006	(461169)
61	04/19/2006	(506384)
62	05/12/2006	(460115)
63	05/16/2006	(465406)
64	05/22/2006	(465286)
65	05/23/2006	(461740)
66	05/23/2006	(506385)
67	06/08/2006	(337298)
68	06/08/2006	(465332)
69	06/19/2006	(506386)
70	07/21/2006	(528616)
71	08/21/2006	(528617)
72	08/22/2006	(461611)
73	08/22/2006	(487941)
74	08/29/2006	(510272)
75	09/18/2006	(489929)
76	09/18/2006	(489930)
77	09/18/2006	(508808)
78	09/26/2006	(512738)
79	09/26/2006	(528618)
80	09/26/2006	(528619)
81	10/10/2006	(509369)
82	11/03/2006	(512514)
83	11/21/2006	(551921)
84	11/21/2006	(551922)
85	12/15/2006	(551923)
86	12/20/2006	(398261)
87	12/20/2006	(533392)
88	01/22/2007	(589231)
89	01/31/2007	(537305)
90	02/08/2007	(537506)
91	02/09/2007	(539274)
92	03/19/2007	(589227)
93	03/19/2007	(589228)
94	05/14/2007	(589229)
95	05/21/2007	(559168)
96	05/21/2007	(559801)
97	06/21/2007	(589230)
98	07/23/2007	(605777)
99	07/31/2007	(538827)
100	08/16/2007	(557840)
101	08/20/2007	(519464)
102	08/23/2007	(605778)
103	08/24/2007	(567435)
104	08/28/2007	(571955)
105	09/14/2007	(568320)
106	09/14/2007	(568498)
107	09/24/2007	(605776)
108	09/24/2007	(605779)
109	09/24/2007	(605780)
110	10/05/2007	(571498)
111	10/05/2007	(571538)
112	10/11/2007	(572093)
113	10/12/2007	(572320)
114	10/12/2007	(572490)
115	10/12/2007	(572737)
116	10/12/2007	(572746)
117	10/12/2007	(572823)

118	10/30/2007	(515193)
119	11/12/2007	(598216)
120	11/12/2007	(598249)
121	11/16/2007	(600519)
122	11/26/2007	(696084)
123	11/29/2007	(601118)
124	12/17/2007	(609075)
125	12/20/2007	(631699)
126	01/03/2008	(600699)
127	01/18/2008	(631700)
128	02/12/2008	(612301)
129	02/27/2008	(615308)
130	02/28/2008	(636328)
131	03/20/2008	(677383)
132	03/26/2008	(618828)
133	03/26/2008	(636406)
134	03/31/2008	(639376)
135	04/03/2008	(618788)
136	04/03/2008	(618810)
137	04/03/2008	(637173)
138	04/18/2008	(677384)
139	05/07/2008	(639841)
140	05/20/2008	(696081)
141	05/23/2008	(646260)
142	06/09/2008	(669807)
143	06/10/2008	(641519)
144	06/10/2008	(646565)
145	06/12/2008	(654391)
146	06/14/2008	(682556)
147	06/18/2008	(680217)
148	06/18/2008	(680261)
149	06/20/2008	(696082)
150	06/27/2008	(684500)
151	07/11/2008	(696083)
152	07/14/2008	(686123)
153	07/16/2008	(680169)
154	07/16/2008	(681112)
155	07/16/2008	(683107)
156	08/18/2008	(717732)
157	08/20/2008	(683987)
158	08/20/2008	(684511)
159	08/25/2008	(688565)
160	09/04/2008	(688139)
161	09/07/2008	(688218)
162	09/09/2008	(687790)
163	09/09/2008	(689602)
164	09/18/2008	(717733)
165	10/06/2008	(689179)
166	10/06/2008	(689227)
167	10/06/2008	(689470)
168	10/08/2008	(699637)
169	10/16/2008	(717734)
170	10/23/2008	(699846)
171	10/27/2008	(706451)
172	11/19/2008	(733057)
173	11/24/2008	(707931)
174	12/08/2008	(709755)
175	12/18/2008	(733058)
176	12/23/2008	(707971)

177 01/08/2009 (733059)  
 178 01/15/2009 (708306)  
 179 01/19/2009 (733056)  
 180 01/28/2009 (708057)  
 181 01/28/2009 (721989)  
 182 02/04/2009 (725405)  
 183 02/04/2009 (725739)  
 184 02/11/2009 (720907)  
 185 02/25/2009 (724544)  
 186 03/10/2009 (737066)  
 187 03/19/2009 (756227)  
 188 03/23/2009 (735846)  
 189 03/24/2009 (737450)  
 190 04/16/2009 (756228)  
 191 04/17/2009 (742886)  
 192 05/12/2009 (741664)  
 193 05/14/2009 (737847)  
 194 05/20/2009 (773206)  
 195 06/04/2009 (738245)  
 196 06/15/2009 (773207)  
 197 07/10/2009 (747881)  
 198 07/16/2009 (749656)  
 199 08/24/2009 (762543)  
 200 09/24/2009 (762608)  
 201 09/28/2009 (764587)  
 202 09/28/2009 (777612)  
 203 10/01/2009 (764402)  
 204 10/01/2009 (764441)  
 205 10/05/2009 (765783)  
 206 10/14/2009 (777141)  
 207 10/22/2009 (765935)  
 208 10/22/2009 (766317)  
 209 10/26/2009 (766609)  
 210 10/26/2009 (766754)  
 211 10/28/2009 (778753)  
 212 10/30/2009 (766806)  
 213 11/09/2009 (778734)

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

**Date: 05/12/2006 (460115)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)  
 41945/PSD-TX-950/N-018, SC 13C PERMIT  
 41945/PSD-TX-950/N-018, SC 2A PERMIT  
 41945/PSD-TX-950/N-018, SC 2D PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7.

**Date: 08/17/2007 (557840)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01877 OP

Description: Failure to maintain an emission rate below the allowable limit for Nitrogen Oxides (NOx) and Carbon Monoxide (CO) at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01877 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01877 OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 9 parts per million (ppm) NOx for Co-generation Unit 2.

Self Report? NO Classification: Moderate

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

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

Date: 08/20/2007 (519464)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02629 PERMIT

Description: Failure to report 624 hourly deviations for the C4 Cooling Tower within 30-days of the end of the six-month deviation period.

<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-02629 PERMIT		
<b>Description:</b>	Failure to maintain compliance with the one-hour firing rate limitation of 0.007 lbs/MMBtu for NOx for the C4 Boiler. B13		
<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-02629 PERMIT		
<b>Description:</b>	Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 6 parts per million by volume (ppmv) of NOx. B13		
<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-02629 PERMIT		
<b>Description:</b>	Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 100 parts per million by volume (ppmv) of CO. B13		
<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-02629 PERMIT		
<b>Description:</b>	Failure to maintain an emission rate below the allowable limit for NOx at C4 Boiler, EPN BLR. B13		
<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b)		
<b>Description:</b>	Failure to maintain an emission rate below the allowable limit for CO at C4 Boiler, EPN BLR. B13		
<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b)		
<b>Description:</b>	Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 5 ppmv of Ammonia (NH3) slip. B13		
<b>Self Report?</b>	<b>NO</b>	<b>Classification:</b>	<b>Moderate</b>
<b>Citation:</b>	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart VV 60.482-6 41945, PSD-TX-950, N-018 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-02629 PERMIT		
<b>Description:</b>	Failure to maintain five components with a cap, plug, second valve, or blind flange. B19g1		

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

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644, PDS-TX-903, N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02551 PERMIT

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

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

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

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

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644, PDS-TX-903, N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02551 PERMIT

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

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

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

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

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

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

**Description:** Failure to operate the Thermal Oxidizer at temperatures of 1,800 degrees Fahrenheit or greater. B-13

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644, PDS-TX-903, N-007 PERMIT  
40 CFR Part 60, Subpart NNN 60.665(l)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02551 PERMIT

**Description:** Failure to report two by-pass events for the Thermal Oxidizer on the NSPS 40 CFR Part 60, Subpart NNN semi-annual report. C3

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

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter D 382.085(b)  
O-02551 PERMIT

Description: Failure to report deviations on semi annual deviation reports. B13

Date: 08/31/2007 (605779)

Self Report? YES

Classification: Moderate

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

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

Date: 10/11/2007 (572093)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(4)  
30 TAC Chapter 116, SubChapter F 116.615(5)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02551 OP

Description: Failure to provide notification of start of construction for the following; Boilers B-7280 and B-7290, Enclosed Ground Flare and Cracking Furnace H-0900 no later than 15 working days after the commencement of construction.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644 / PSD-TX-903 / N-007 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-02551 OP

Description: Failure to submit notification of actual date of initial start-up in a manner as to allow a representative of the TCEQ to be present at the commencement of operations.

Date: 01/03/2008 (600986)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02629 OP

Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 pounds per million British thermal units (lbs/MMBtu) of Nitrogen Oxides (NOx) from the C4 Boiler, EPN: BLR.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02629 OP

Description: Failure to prevent emissions from exceeding 6 parts ppmv of NOx. on an hourly basis, from the C4 Boiler, EPN: BLR.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02629 OP

Description: Failure to maintain an emission rate below 1.8 pounds per hour (lbs/hr) of NOx

from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Minor

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

Description: Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on 37 components in the C4 Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02629 OP

Description: Failure to conduct audio, olfactory, and visual checks for Ammonia (NH3) leaks within the operating area every 12 hours.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
41945, PSD-TX-950, N-018 PERMIT  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02629 OP

Description: Failure to maintain records of pilot flame presence in addition to the flow and composition parameters during operation of the High Pressure (EPN: P-7) and Low Pressure (EPN: P-6) Flares.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.263  
30 TAC Chapter 116, SubChapter B 116.110(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-02629 OP

Description: Failure to provide records for the use of two portable carbon adsorption systems (CAS) used in the C4 facility during the August 2007 turnaround.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-02629 OP

Description: Failure to report deviations on semi-annual deviation reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.355(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)  
41945 Special Condition 9F PERMIT  
5C THSC Chapter 382 382.085(b)  
O-02629 OP

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

Date: 02/27/2008 (617637)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 21 PERMIT

5C THSC Chapter 382 382.085(b)  
O-02551 OP

Description: Failure to maintain compliance with the one hour firing rate permit limitation of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters, H-0200 through H-0700.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 21 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-02551 OP

Description: Failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters, H-0400, H-0700, and H-0800.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 14C PERMIT  
5C THSC Chapter 382 382.085(b)  
O-02551 OP

Description: Failure to maintain the gas net heating value above 900 Btu/scf to the Ground Flare, Emission Point Number: (EPN) N-15.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 9 PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-02551 OP

Description: Failure to prevent 59 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1, F-3, and F-4 areas.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.355(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 9F PERMIT  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)  
5C THSC Chapter 382 382.085(b)  
O-02551 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 28 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-02551 OP

Description: Failure to comply with a permit condition that requires welded heat exchanger construction for exchangers used in the cooling water cycle.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 9F PERMIT  
O-02551 OP

Description: Failure to monitor components when conducting fugitive emission monitoring.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903, Special Condition 1 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-02551 OP

Description: Failure to maintain compliance with pound per hour permit limits for Sulfur Dioxide (SO2) for eight Heaters, H-0100 through H-0800.

**Date: 03/27/2008 (636406)**

Self Report? NO Classification: Moderate

Citation: 2003-1317-AIR-E ORDER  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the 2007 third quarter Project Progress Report within 15 days of the end of the quarter.

Self Report? NO Classification: Moderate

Citation: 2003-1317-AIR-E ORDER  
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the 2007 third quarter Stipulated Penalty Report within 30 days of the end of the quarter.

**Date: 06/10/2008 (646565)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

Description: Failure to submit a semiannual deviation report for the period of March 1, 2007, through August 31, 2007, within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

Description: Failure to report all instances of deviations. The deviation report for the period of March 1, 2007, to August 31, 2007, was submitted on October 3, 2007, 3 days late. The late submittal of the deviation report was not listed as a deviation in the September 1, 2007, to February 29, 2008, deviation report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

Description: Failure to accurately certify compliance in the Annual Compliance Certification (ACC).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903M1, N-007 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

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

Self Report? NO Classification: Moderate

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

**Description:** Failure to maintain an emission rate below the allowable limit for Oxides of Nitrogen (NOx) at the Auxillary Boiler (B-7240), Emission Point Number N-14.

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

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

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

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

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

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

**Date:** 07/17/2008 (681112)

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

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

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

**Date:** 07/17/2008 (683107)

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

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

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

**Date:** 09/09/2008 (687790)

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

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

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

**Date:** 09/09/2008 (689602)

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)  
5C THSC Chapter 382 382.085(b)  
O-02965, SC 6 PERMIT  
PERMIT 36644/PSD-TX-903, SC 32A OP

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

Date: 10/24/2008 (699846)

Self Report? NO Classification: Moderate

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

Description: Failure to maintain compliance with the one-hour firing rate permit limitations of 0.07 lbs/MMBTU for Carbon Monoxide (CO), for DP Reactor Feed Heater, Emission Point Number (EPN: N-12).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
O-02551 OP

Description: Failure to accurately certify compliance in the Annual Compliance Certification (ACC).

Date: 10/31/2008 (733057)

Self Report? YES Classification: Moderate

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

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

Date: 01/15/2009 (708306)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 20 D, PSD-TX-950, N OP  
Special Condition 8 PERMIT

Description: Failure to conduct audio, olfactory, and visual checks for Ammonia (NH3) leaks within the operating area every 12 hours.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17A, PSD-TX-950, N-018 OP  
Special Condition 8 PERMIT

Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 pounds per million British Thermal Units (lbs/MMBTUs) of Nitrogen Oxides (NOx) from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17A, PSD-TX-950, N-018 PERMIT  
Special Condition 8 OP

Description: Failure to prevent emissions from exceeding 6 parts per million by volume (ppmv) of NOx on an hourly basis, from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17B, PSD-TX-950, N-018 PERMIT  
Special Condition 8 OP

**Description:** Failure to prevent emissions from exceeding 100 ppmv of CO on an hourly basis, from the C4 Boiler, EPN: BLR.

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8 PERMIT  
Special Conditions 13C and 13E, PSD-TX-9 PERMIT

**Description:** Failure to maintain records of pilot flame presence in addition to the flow and composition parameters during operation of the High Pressure EPN: P-7 and Low Pressure EPN: P-6 Flares.

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart VV 60.482-6  
5C THSC Chapter 382 382.085(b)  
Special Condition 9E, PSD-TX-950, N-018 PERMIT  
Special Terms and Conditions 1C and 8 OP

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

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13B, PSD-TX-950, N-018 PERMIT  
Special Terms and Conditions 1C and 8 OP

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

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

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

**Description:** Failure to maintain records of daily flare observations.

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 19, PSD-TX-950, N-018 PERMIT  
Special Condition 8 OP

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

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

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

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

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Special Condition 8 OP  
Special Conditions 9E and 27K, PSD-TX-95 PERMIT

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 8 PERMIT  
Special Condition 9E, PSD-TX-950, N-018 PERMIT

Description: Failure to monitor newly installed components.

**Date: 02/11/2009 (720907)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 PERMIT  
Special Condition 9E/PSD-TX-903 OP

Description: Failure to prevent 48 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1, F-4, and Pygas areas.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 PERMIT  
Special Condition 21/PSD-TX-903 PERMIT

Description: Failure to maintain compliance with the one hour firing rate permit limitation of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters, H-0200 through H-0700.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 OP  
Special Condition 14C/PSD-TX-903 PERMIT

Description: Failure to maintain the gas net heating value above 900 British Thermal Units per standard cubic feet (BTUs/scf) to the Ground Flare, Emission Point Number: (EPN) N-15.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 OP  
Special Condition 21/PSD-TX-903 PERMIT

Description: Failure to comply with permitted firing rate for Heater, H-0100.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 OP  
Special Condition 17B/PSD-TX-903 PERMIT

Description: Failure to monitor, record or maintain minimum water flow rate to the scrubber when unloading.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.144(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3A OP  
**Description:** Failure to maintain records of the daily flare observations.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14C/PSD-TX-903 PERMIT  
 Special Condition 3C OP

**Description:** Failure to operate the flare in a smokeless manner.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 PERMIT  
 Special Condition 18D/PSD-TX-903 PERMIT

**Description:** Failure to conduct audio, olfactory, and visual checks for NH3 leaks within the operating area every 12 hours.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter F 101.201(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2F OP

**Description:** Failure to document a final record for a non-reportable incident within two weeks.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 OP  
 Special Condition 4B/PSD-TX-903 PERMIT

**Description:** Failure to monitor 219 components in VOC service located in F-1 area.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 OP  
 Special Condition 14B/PSD-TX-903 PERMIT

**Description:** Failure to comply with conditions of a permit.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 OP  
 Special Condition 21/PSD-TX-903 PERMIT

**Description:** Failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBTUs for CO, for Heaters, H-0400, H-600, H-0700, H-0800, and H-6101.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12 OP

Description: Special Condition 32/PSD-TX-903 PERMIT  
Failure to monitor for Carbon Monoxide, Oxides of Nitrogen, Sulfur Dioxide, and Oxygen on Heater 6101.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.116(e)(5)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 12 OP

Description: Failure to obtain authorization for tube changes to Heater H-0300, EPN: N-3.

**Date: 05/14/2009 (737847)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX903/N-007 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

Description: Failure to maintain an emission rate below the allowable limit for Nitrogen Oxides (NOx) and at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
36644/PSD-TX-903/N-007 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

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

Self Report? NO Classification: Moderate

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

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 9 parts per million (ppm) NOx for Co-generation Unit 2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01877 OP

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

F. Environmental audits.

**Notice of Intent Date: 04/27/2007 (561243)**

No DOV Associated

**Notice of Intent Date: 05/29/2007 (564833)**

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BASF FINA PETROCHEMICALS	§	
LIMITED PARTNERSHIP	§	
RN100216977	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2009-1852-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant on State Highway 366, Gate 99, at the intersection of State Highway 366 and State Highway 73 in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 4, 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 Seventeen Thousand Seven Hundred Thirty Dollars (\$17,730) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand One Hundred Eighty-Four Dollars (\$14,184) of the administrative penalty and Three Thousand Five Hundred Forty-Six Dollars (\$3,546) 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:

1. Failed to maintain compliance with the hourly nitrogen oxides ("NO<sub>x</sub>") maximum firing rate of 0.025 pounds per million British thermal units ("lbs/MMBtu") and the NO<sub>x</sub> emissions limit of 12.19 pounds per hour ("lbs/hr") for Heater H-0900, in violation of Federal Operating Permit No. O-02551, Special Condition No. 11, Air Permit No. 36644, Special Condition Nos. 1 and 21, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 3, 2009. Specifically, during the period of January 4-7, 2009, the hourly firing rate of Heater H-0900 was documented to range from 0.032 to 0.127 lbs/MMBtu and the NO<sub>x</sub> emissions from Heater H-0900 were documented to range from 12.668 to 20.763 lbs/hr.
2. Failed to perform continuous emissions monitoring systems cylinder gas audits of Cogeneration Unit Nos. 1 and 2 during the second quarter of 2009, in violation of Federal Operating Permit No. O-03015, Special Terms and Conditions, Air Permit No. 36644, Special Condition No. 30B, 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 3, 2009.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF FINA Petrochemicals Limited Partnership, Docket No. 2009-1852-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 ensure that continuous emissions monitoring systems cylinder gas audits are conducted quarterly;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a., as described in Ordering Provision 2.e.;
  - c. Within 105 days after the effective date of this Agreed Order, install additional ammonia storage capacity to ensure that Heater H-0900 is operated below the hourly NO<sub>x</sub> maximum firing rate and the NO<sub>x</sub> emissions limit; and
  - d. Within 120 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.c., as described in Ordering Provision 2.e.; and
  - e. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b. and 2.d. The certifications 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 3/30/2010

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 February 18<sup>th</sup>, 2010

Christopher Witte  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
BASF FINA Petrochemicals Limited Partnership

\_\_\_\_\_  
Title General Mgr - Port Arthur Site

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.