

<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> TOTAL PETROCHEMICALS USA LA PORTE PLANT, 1818 Independence Parkway South, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1015-AIR-E, 2010-0019-AIR-E, and 2010-0525-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 May 17, 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. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Ron Copeland, Environmental Coordinator, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536  Mr. Mark Douglass, Plant Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 888, Deer Park, Texas 77536  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 25 and October 21, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 4, 17, and 23, 2009 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions. Specifically, 646.54 pounds ("lbs") of propylene, 181.03 lbs of propane, and 0.41 lbs of ethylene were released into the atmosphere due to the failure to operate the North Flare (BS-205) with a flame present (Incident No. 127631). The emissions event that occurred on July 31, 2009 lasted 30 minutes. Since the emissions event was avoidable by better operational practices and reported late, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No.1].</p> <p>2) Failure to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event. The emissions event occurred on July 31, 2009, but was not submitted until August 11, 2009 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions. Specifically, 2,915.63 lbs of propylene, 1,092.33 lbs of carbon monoxide, and 143.68 lbs of nitrogen</p>	<p><b>Total Assessed:</b> \$30,578</p> <p><b>Total Deferred:</b> \$6,115  <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> \$24,463</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on August 11, 2009 the Respondent submitted the final report for the emissions event that occurred on July 31, 2009 (Incident No. 127631).</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:</p> <p>i. Implement measures designed to ensure that a flame is present at the North Flare at all times (Incident No. 127631); and</p> <p>ii. Implement measures designed to prevent the build-up and plugging in the Train 7 Cyclo-filter (Incident Nos. 128266 and 128386).</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.</p>

oxides were released into the atmosphere due to the failure to prevent polymer solids building-up and plugging of the Train 7 Cyclo-filter resulting in an automatic relief to the North Flare System (Incident No. 128266). The emissions event that occurred on August 17, 2009 lasted five hours and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1].

4) Failure to prevent unauthorized emissions. Specifically, 211.34 lbs of propylene, 155.64 lbs of carbon monoxide, and 20.33 lbs of nitrogen oxides were released from the North Flare (ES-205) into the atmosphere due to the failure to prevent polymer solids building-up and plugging of the Train 7 Cyclo-filter (Incident No. 128386). The emissions event that occurred on August 19, 2009 lasted one hour and 25 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1].

Additional ID No(s): HG0036S





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	30-Nov-2009	Screening	2-Dec-2009	EPA Due	17-Aug-2010
	PCW	7-Dec-2009				

## RESPONDENT/FACILITY INFORMATION

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

## CASE INFORMATION

Enf./Case ID No.	38714	No. of Violations	4
Docket No.	2009-1869-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$7,600

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

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

**Compliance History** 503.0% Enhancement **Subtotals 2, 3, & 7** \$38,228

Notes: Penalty enhanced due to 13 NOVs for same or similar violations, 24 unrelated violations, 17 agreed orders containing a denial of liability, and two agreed orders without denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$25

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

Total EB Amounts \$453  
 Approx. Cost of Compliance \$10,500  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$45,803

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$45,803

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$30,578

**DEFERRAL** 20.0% Reduction **Adjustment** -\$6,115

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$24,463

Screening Date 2-Dec-2009

Docket No. 2009-1869-AIR-E

PGW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38714

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	17	340%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 503%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhanced due to 13 NOVs for same or similar violations, 24 unrelated violations, 17 agreed orders containing a denial of liability, and two agreed orders without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 503%

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38714

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshendra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), 40 Code of Federal Regulations § 80.18(c)(2), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, 646.54 pounds ("lbs") of propylene, 181.03 lbs of propane, and 0.41 lbs of ethylene were released into the atmosphere due to the failure to operate the North Flare (ES-205) with a flame present (Incident No. 127631). The emissions event that occurred on July 31, 2009 lasted 30 minutes. Since the emissions event was avoidable by better operational practices and reported late, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

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 upon the emissions event that occurred on July 31, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$201

Violation Final Penalty Total \$15,075

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

# Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.** 38714

**Reg. Ent. Reference No.** RN100212109

**Media** Air

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,000	31-Jul-2009	2-Aug-2010	1.01	\$201	n/a	\$201

Notes for DELAYED costs

Estimated cost to ensure that a flame is present at the North Flare at all times. The date required is the violation date. The final date is based upon the date corrective actions are expected to be completed.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

**TOTAL**

\$201

Screening Date 2-Dec-2009

Docket No. 2009-1869-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38714

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.055(b)

Violation Description

Failed to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event. The emissions event occurred on July 31, 2009, but was not reported until August 11, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended based upon the one late report.

Good Faith Efforts to Comply

25.0% Reduction

\$25

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

Notes Corrective actions were completed on August 11, 2009, prior to the November 4, 2009 NOE.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$578

This violation Final Assessed Penalty (adjusted for limits) \$578

# Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.** 38714

**Reg. Ent. Reference No.** RN100212109

**Media** Air

**Violation No.** 2

<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
<b>Item Description</b>	No commas or \$						

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Jul-2009	11-Aug-2009	0.03	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to ensure emissions event reporting within the required timeframe. The date required is the date of the violation. The final date is the date the report was submitted.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500	<b>TOTAL</b>	\$2
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Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38714

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 3

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

Violation Description

Failed to prevent unauthorized emissions. Specifically, 2,915.63 lbs of propylene, 1,092.33 lbs of carbon monoxide, and 143.68 lbs of nitrogen oxides were released into the atmosphere due to the failure to prevent polymer solids building-up and plugging of the Train 7 Cyclo-filter resulting in an automatic relief to the North Flare System (Incident No. 128286). The emissions event that occurred on August 17, 2009 lasted five hours and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based upon the emissions event that occurred on August 17, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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 \$2,500

Economic Benefit (EB) for this Violation

Statutory Limit Test

Estimated EB Amount \$249

Violation Final Penalty Total \$15,075

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

# Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.** 38714

**Reg. Ent. Reference No.** RN100212109

**Media Air**

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	17-Aug-2009	16-Aug-2010	1.00	\$249	n/a	\$249

Notes for DELAYED costs

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

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$249

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38714

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number

4

Rule Cite(s)

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

Violation Description

Failed to prevent unauthorized emissions. Specifically, 211.34 lbs of propylene, 155.64 lbs of carbon monoxide, and 20.33 lbs of nitrogen oxides were released from the North Flare (ES-205) into the atmosphere due to the failure to prevent polymer solids building-up and plugging of the Train 7 Cyclo-filter (Incident No. 128386). The emissions event that occurred on August 19, 2009 lasted one hour and 25 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based upon the emissions event that occurred on August 19, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$15,075

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

# Economic Benefit Worksheet

**Respondent:** TOTAL PETROCHEMICALS USA, INC.  
**Case ID No.** 38714  
**Reg. Ent. Reference No.** RN100212109  
**Media:** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit no. 3

**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

\$0

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.44

Regulated Entity: RN100212109 TOTAL PETROCHEMICALS USA LA Classification: AVERAGE Site Rating: 7.57  
PORTE PLANT

ID Number(s):

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

Location: 1818 INDEPENDENCE PKWY S, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 30, 2009

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Roshondra Lowe Phone: (713) 767-3553

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

Effective Date: 02/10/2005

ADMINORDER 2003-0089-AIR-E

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC1 PERMIT

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: SC3 PERMIT

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

Classification: Minor

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

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

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

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

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

Rqmt Prov: SC4 PERMIT

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

Classification: Minor

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

Rqmt Prov: SC4 PERMIT

Description: Failed to submit the semiannual reports.

Classification: Minor

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

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

Effective Date: 09/30/2005

ADMINORDER 2005-0146-AIR-E

Classification: Moderate

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

Rqmt Prov: 2153B, S.C. 6 & 12.C PERMIT

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

Classification: Moderate

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

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

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

Effective Date: 09/30/2005

ADMINORDER 2005-0171-AIR-E

Classification: Moderate

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

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

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/05/2006

ADMINORDER 2005-0540-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter F 101.221(a)

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

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

Classification: Moderate

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

Rqmt Prov: Permit Condition 2.g. OP

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

Classification: Moderate

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

Rqmt Prov: Effluent Limitations OP

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT  
TCEQ Permit No. 21538, SC #6 PERMIT

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

Classification: Moderate

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

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

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

Effective Date: 01/28/2008

ADMINORDER 2007-1139-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 3908B PERMIT

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

Effective Date: 04/03/2008

ADMINORDER 2007-1593-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failure to prevent an unauthorized emissions event.

Effective Date: 04/28/2008

ADMINORDER 2007-1425-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 05/22/2008

ADMINORDER 2007-1879-IWD-E

Classification: Moderate

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

Rqmt Prov: Effluent Limits PERMIT

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

Effective Date: 07/21/2008

ADMINORDER 2008-0162-AIR-E

Classification: Minor

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

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

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

Rqmt Prov: Maximum Emission Rate Table PERMIT

Description: Failed to prevent unauthorized emissions.

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Rqmt Prov: SC 6 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/29/2008 ADMINORDER 2008-0414-AIR-E

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

Rqmt Prov: MERT PERMIT

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

Effective Date: 12/04/2008 ADMINORDER 2008-0944-AIR-E

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

Rqmt Prov: Standard Air Permit No. 78962 PERMIT

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

Effective Date: 05/18/2009 ADMINORDER 2008-1173-AIR-E

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

Rqmt Prov: General Condition No. 8 PERMIT

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

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

Rqmt Prov: General Condition No. 8 PERMIT

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

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

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

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

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

Rqmt Prov: Special Condition 2 PERMIT

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

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Minor

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

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

Classification: Minor

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

Rqmt Prov: General Condition 2 PERMIT

General Condition No. 8 PERMIT

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

Effective Date: 06/01/2009

ADMINORDER 2008-1773-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT

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

Effective Date: 07/09/2009

ADMINORDER 2009-0013-AIR-E

Classification: Moderate

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

Rqmt Prov: Standard Permit No. 78962, MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: 78962 PERMIT

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

Effective Date: 07/20/2009

ADMINORDER 2009-0220-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 78962, MAERT PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/13/2004	(336657)
2	12/13/2004	(338130)
3	12/14/2004	(338399)
4	12/20/2004	(295860)
5	12/20/2004	(338218)
6	12/20/2004	(338479)
7	12/27/2004	(382038)
8	12/28/2004	(338056)
9	12/29/2004	(343603)
10	12/29/2004	(343604)
11	12/31/2004	(290574)
12	12/31/2004	(291344)
13	01/06/2005	(291924)
14	01/06/2005	(337400)
15	01/07/2005	(292094)
16	01/07/2005	(336686)
17	01/07/2005	(338040)
18	01/10/2005	(262199)
19	01/13/2005	(345723)
20	01/26/2005	(342525)
21	02/22/2005	(382035)
22	02/23/2005	(349878)
23	02/24/2005	(350275)
24	02/24/2005	(350282)
25	03/01/2005	(349965)
26	03/02/2005	(372226)
27	03/08/2005	(372848)
28	03/21/2005	(382036)
29	03/22/2005	(382037)
30	03/24/2005	(349942)
31	03/24/2005	(372227)
32	03/29/2005	(371421)
33	04/01/2005	(375065)
34	04/08/2005	(348307)
35	04/28/2005	(374278)
36	06/03/2005	(376795)
37	06/03/2005	(419886)
38	06/23/2005	(379202)
39	06/24/2005	(419887)
40	06/27/2005	(392492)
41	07/05/2005	(395955)
42	07/05/2005	(396243)
43	07/08/2005	(395145)
44	07/08/2005	(395147)
45	07/08/2005	(395152)
46	07/12/2005	(398015)
47	08/10/2005	(404200)
48	08/19/2005	(441002)
49	08/23/2005	(404907)

50 08/25/2005 (405920)  
51 09/12/2005 (441005)  
52 09/19/2005 (441003)  
53 10/21/2005 (441004)  
54 11/03/2005 (418739)  
55 11/21/2005 (435975)  
56 11/28/2005 (468737)  
57 01/24/2006 (468738)  
58 01/24/2006 (468739)  
59 02/14/2006 (468736)  
60 02/15/2006 (453303)  
61 02/21/2006 (455020)  
62 02/23/2006 (455888)  
63 02/25/2006 (456928)  
64 02/27/2006 (456559)  
65 02/28/2006 (457140)  
66 02/28/2006 (457150)  
67 02/28/2006 (457170)  
68 03/20/2006 (498411)  
69 04/24/2006 (463428)  
70 04/25/2006 (458264)  
71 04/27/2006 (456175)  
72 05/01/2006 (498412)  
73 05/16/2006 (463577)  
74 05/16/2006 (463907)  
75 05/16/2006 (465691)  
76 05/17/2006 (465592)  
77 05/26/2006 (467560)  
78 05/30/2006 (498413)  
79 05/31/2006 (480470)  
80 05/31/2006 (480475)  
81 06/07/2006 (498416)  
82 06/20/2006 (498414)  
83 06/22/2006 (482832)  
84 06/22/2006 (482925)  
85 06/23/2006 (483058)  
86 06/29/2006 (481055)  
87 06/29/2006 (484017)  
88 07/12/2006 (484022)  
89 07/13/2006 (498415)  
90 07/14/2006 (484429)  
91 07/26/2006 (487037)  
92 08/03/2006 (487671)  
93 08/03/2006 (488357)  
94 08/04/2006 (345748)  
95 08/17/2006 (484538)  
96 08/21/2006 (520418)  
97 08/21/2006 (520420)  
98 09/05/2006 (497455)  
99 09/05/2006 (509499)  
100 09/07/2006 (510865)  
101 09/08/2006 (489217)  
102 09/22/2006 (520419)  
103 10/06/2006 (530970)  
104 10/16/2006 (511833)  
105 10/20/2006 (575734)  
106 11/06/2006 (516491)  
107 11/20/2006 (517197)  
108 11/21/2006 (516694)

109	11/21/2006	(575735)
110	02/05/2007	(534573)
111	02/12/2007	(575728)
112	02/15/2007	(539452)
113	03/09/2007	(539872)
114	03/13/2007	(542326)
115	03/19/2007	(536804)
116	03/22/2007	(542671)
117	03/22/2007	(542675)
118	03/22/2007	(575729)
119	04/04/2007	(575733)
120	04/10/2007	(543717)
121	04/12/2007	(540389)
122	04/13/2007	(575730)
123	04/23/2007	(556287)
124	04/30/2007	(542574)
125	05/08/2007	(559591)
126	05/14/2007	(556174)
127	05/16/2007	(555746)
128	05/16/2007	(555751)
129	05/16/2007	(575731)
130	05/25/2007	(536112)
131	05/30/2007	(556956)
132	05/31/2007	(559121)
133	05/31/2007	(559123)
134	06/08/2007	(555120)
135	06/08/2007	(562000)
136	06/15/2007	(555757)
137	06/18/2007	(561134)
138	06/19/2007	(562094)
139	06/20/2007	(561136)
140	06/21/2007	(560635)
141	06/21/2007	(560640)
142	06/22/2007	(575732)
143	06/25/2007	(560632)
144	06/27/2007	(561137)
145	07/05/2007	(560624)
146	07/18/2007	(565537)
147	07/24/2007	(561139)
148	07/30/2007	(565237)
149	08/13/2007	(566645)
150	08/20/2007	(607606)
151	08/29/2007	(565319)
152	09/11/2007	(569993)
153	09/21/2007	(607607)
154	09/26/2007	(570766)
155	10/17/2007	(594536)
156	10/18/2007	(594393)
157	10/23/2007	(619670)
158	10/23/2007	(619672)
159	11/12/2007	(599234)
160	11/12/2007	(619673)
161	11/19/2007	(572263)
162	11/20/2007	(597561)
163	11/26/2007	(619671)
164	11/30/2007	(600058)
165	12/07/2007	(600059)
166	12/11/2007	(597559)
167	12/17/2007	(609853)

168 01/28/2008 (570970)  
169 01/30/2008 (613375)  
170 02/15/2008 (612150)  
171 02/21/2008 (672192)  
172 03/10/2008 (616035)  
173 03/10/2008 (616237)  
174 03/24/2008 (690105)  
175 03/31/2008 (610624)  
176 04/14/2008 (690106)  
177 05/09/2008 (640759)  
178 05/16/2008 (690107)  
179 05/16/2008 (690108)  
180 05/30/2008 (640765)  
181 06/04/2008 (654889)  
182 06/05/2008 (671448)  
183 06/11/2008 (671449)  
184 06/11/2008 (671450)  
185 06/11/2008 (710892)  
186 06/18/2008 (682521)  
187 06/30/2008 (681219)  
188 06/30/2008 (682520)  
189 07/02/2008 (683653)  
190 07/10/2008 (683615)  
191 07/18/2008 (685477)  
192 07/21/2008 (710895)  
193 07/22/2008 (687013)  
194 07/25/2008 (686100)  
195 08/01/2008 (687683)  
196 08/13/2008 (686959)  
197 08/13/2008 (688033)  
198 08/19/2008 (685005)  
199 08/19/2008 (686804)  
200 08/25/2008 (710893)  
201 09/24/2008 (710894)  
202 10/03/2008 (704204)  
203 10/20/2008 (727597)  
204 10/30/2008 (688227)  
205 10/31/2008 (699758)  
206 11/03/2008 (699774)  
207 11/03/2008 (699972)  
208 11/17/2008 (727598)  
209 11/21/2008 (704275)  
210 12/04/2008 (727599)  
211 12/09/2008 (704274)  
212 01/05/2009 (704277)  
213 01/21/2009 (706088)  
214 01/21/2009 (722792)  
215 01/27/2009 (723151)  
216 01/29/2009 (709785)  
217 02/06/2009 (704273)  
218 02/06/2009 (723709)  
219 02/06/2009 (723711)  
220 02/09/2009 (724256)  
  
221 02/13/2009 (704276)  
222 02/18/2009 (724508)  
223 02/23/2009 (724509)  
224 02/23/2009 (750407)  
225 03/18/2009 (736586)  
226 03/23/2009 (768462)

227 03/23/2009 (768465)  
 228 04/07/2009 (740317)  
 229 04/10/2009 (738976)  
 230 04/13/2009 (741583)  
 231 04/20/2009 (768463)  
 232 04/22/2009 (704209)  
 233 04/28/2009 (738203)  
 234 05/04/2009 (740997)  
 235 05/05/2009 (739890)  
 236 05/05/2009 (739891)  
 237 05/12/2009 (700393)  
 238 05/20/2009 (768464)  
 239 05/22/2009 (721129)  
 240 06/10/2009 (738207)  
 241 06/23/2009 (745530)  
 242 07/31/2009 (763543)  
 243 09/22/2009 (763295)  
 244 09/28/2009 (766433)  
 245 10/05/2009 (776297)  
 246 10/16/2009 (776286)  
 247 10/16/2009 (779107)  
 248 11/04/2009 (777540)  
 249 11/16/2009 (781266)  
 250 11/17/2009 (777450)  
 251 11/20/2009 (743105)  
 252 11/23/2009 (777831)

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

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

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

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

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

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

Date: 02/15/2006 (453303) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 21538, Special Condition 6 PERMIT  
OP O-01293, Special Condition 11 OP

Description: Exceeded their MAERT limit because the temperature in the Enclosed Vapor Combustor was not maintain in order to achieve the destruction efficiency for VOC.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 18153, Special Condition 4 PERMIT  
OP O-01293, Special Condition 11 OP

Description: Exceeded their VOC emissions limits in Train 7.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
NSR Permit 18153, Special Condition 10 PERMIT  
OP O-01293, Special Condition 11 OP

Description: Failed to measure the residual VOC concentration in Train 7 using an approved TCEQ test method.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.146(4)  
NSR Permit 18153, Special Condition 18D PERMIT  
OP O-01293, Special Condition 11 OP

Description: Failed to measure the residual VOC concentration in Trains 8 & 9 using an approved TCEQ test method.

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

Description: Failed to seal open-ended lines, which is a violation of 30 TAC 115.352(4) and 40 CFR 60.482-6 (a)(1).

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

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

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

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

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

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

Date: 05/31/2006 (498414) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/27/2006 (484538) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 37, SubChapter C 37.251(d)  
Description: Failure to provide a FT demonstration 90 days after company's fiscal year - but was subsequently resolved on 7-21-06 when we received a financial test demonstration.

Date: 10/06/2006 (530970) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/16/2006 (511833)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Air Permit #3908B, SC #1 PERMIT  
Description: TOTAL failed to control the temperature on the Monument 2 reboiler which resulted in unauthorized emissions.

Date: 10/31/2006 (575735) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (575730) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

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

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

Date: 05/25/2007 (536112) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 21538, SC 13 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.146(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-1293, Special Conditions 1 & 11 OP

Description: Failure to maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor Combustor ES-976.

Self Report? NO Classification: Moderate

Citation: 1293, Special Condition OP  
2269C, SC 2 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to control non-fugitive emissions of gases to the atmosphere from rupture discs.

Self Report? NO Classification: Moderate

Citation: 1293, SC 1 OP

21538, SC 5 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart DDD 60.562-1(a)(1)(i)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain the required average temperature entering the catalyst bed to ensure destruction efficiency for Blender/Feeder Vent Gas Catalytic Oxidizer (ES-975).

Self Report? NO Classification: Moderate

Citation: 1293, Special Condition 1 OP  
2269C, SC1 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Exceeded permit limits at Monument I Pellet Handling System during December 2005.

Self Report? NO Classification: Moderate

Citation: 18153, SC No. 8E PA  
21538, SC No. 1E PA  
2269C, SC No. 11E PA  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
3908B, SC No. 4E PA  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01293, SC No. 11 OP

Description: Failure to ensure that each open-ended line is equipped with a cap or plug.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
O-01293, General Terms and Conditions OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
O-01293, General Terms and Conditions OP

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

Date: 05/31/2007 (575732) CN600582399

Self Report? YES Classification: Moderate

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

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

Date: 06/12/2007 (555757)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

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

Date: 06/30/2007 (575733) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/24/2007 (561139)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Air Permit No. 3908B Special Condition 1 PERMIT  
Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of the emissions event.

Date: 07/31/2007 (607606) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (607607) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (619670) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (619671) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2008 (672192) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2008 (690105) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/01/2008 (610624) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 1(A) OP  
**Description:** Failure to record the NOx concentration in the Waste Heat Boiler's (M2A-BO-3) stack.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, General Terms & Conditions OP

**Description:** Failure to report all deviations in semi-annual deviation and annual compliance certification reports.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP

**Description:** Failure to perform the required sampling after the out-of-order periods for the Train 8 Cooling Tower and Monument 1 Cooling Tower online HRVOC monitors exceeded 24 hours.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP

**Description:** Failure of the Monument 1 and Train 8 Cooling Tower monitoring systems to continuously operate at least 95% of the annual cooling tower operating time.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 3908B, Special Condition No. 2 PERMIT

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 11 OP

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

**Self Report?** NO **Classification:** Moderate  
**Citation:** 21538, Special Condition No. 12(A) PERMIT  
 30 TAC Chapter 115, SubChapter H 115.722(d)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special Terms & Cond. No. 11 OP

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

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP

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

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 115, SubChapter H 115.764(a)(2)  
 30 TAC Chapter 115, SubChapter H 115.764(a)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01293, Special T & C No. 1(F)(iii) OP

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

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

Citation: 21538, Special Condition No. 20(E) PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01293, Special Terms & Cond. No. 11 OP

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

**N/SAME-21** Date: 05/31/2008 (710892) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2008 (690108) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (710893) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/13/2008 (688033)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
TCEQ Standard Permit No. 78962, GC #8 PERMIT  
Description: TOTAL failed to prevent a high pressure drop across the Train 7 Cyclofilter.

Date: 08/31/2008 (710894) CN600582399  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 02/18/2009 (724508)  
Self Report? NO Classification: Moderate  
Citation: 21538 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THSC Chapter 382 382.085(b)  
Description: Exceeded permit limits during an avoidable emissions event.

Date: 02/23/2009 (724509)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Total failed to closet the Train 7 Reactor Bleeder Valve to the North Flare System.

Date: 04/13/2009 (738976)  
Self Report? NO Classification: Moderate  
Citation: 21538, Special Condition No. 6 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Description: Total failed to meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions released during the event.

Date: 05/04/2009 (740997)

Self Report? NO

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions.

Date: 05/22/2009 (721129)

CN600582399

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Moderate

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

Description: Failure to calibrate VOC monitor on catalytic oxidizer ES-975 before use.

Self Report? NO

Classification: Minor

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

Spec. Cond. 5 PERMIT

Description: Failure to record daily data as stated in NSR Permit No. 18153, SC 5.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Spec. Cond. 11 OP  
Spec. Cond. 20E PERMIT

Description: Failure to report excess emissions within 48 hours.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Spec. Cond. 11 OP  
Spec. Cond. 12 PERMIT

Description: Failure to maintain thermal oxidizer temperature about 1,600 degrees F. while waste gas is directed to it.

Date: 10/16/2009 (776286)

Self Report?: NO

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions. Total Failed to prevent the failure of the Seal Oil Pressure Control Valve (PCV) on the K-5 Compressor.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-1869-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates a petrochemical plant at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 9, 22 and 28, 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 Thirty Thousand Five Hundred Seventy-Eight Dollars (\$30,578) is assessed by the Commission in settlement of the violations alleged in Section II

- ("Allegations"). The Respondent has paid Twenty-Four Thousand Four Hundred Sixty-Three Dollars (\$24,463) of the administrative penalty and Six Thousand One Hundred Fifteen Dollars (\$6,115) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that on August 11, 2009 the Respondent submitted the final report for the emissions event that occurred on July 31, 2009 (Incident No. 127631).
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No.1, as documented during an investigation conducted on September 25, 2009. Specifically, 646.54 pounds ("lbs") of propylene, 181.03 lbs of propane, and 0.41 lbs of ethylene were released into the atmosphere due to the failure to operate the North Flare (ES-205) with a flame present (Incident No. 127631). The emissions event that occurred on July 31, 2009 lasted 30 minutes. Since the emissions event was avoidable by better operational practices and reported late, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
2. Failed to notify the TCEQ Regional Office within the required 24 hours of a reportable emissions event. The emissions event occurred on July 31, 2009, but was not submitted until August 11, 2009, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 25, 2009.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1, as documented during an investigation conducted on October 21, 2009. Specifically, 2,915.63 lbs of propylene, 1,092.33 lbs of carbon monoxide, and 143.68 lbs of nitrogen oxides were released into the atmosphere due to the failure to prevent polymer solids building-up and plugging of the Train 7 Cyclo-filter resulting in an automatic relief to the North Flare System (Incident No. 128266). The emissions event that occurred on August 17, 2009 lasted five hours and 45 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 3908B, Special Condition No. 1, as documented during an investigation conducted on October 21, 2009. Specifically, 211.34 lbs of propylene, 155.64 lbs of carbon monoxide, and 20.33 lbs of nitrogen oxides were released from the North Flare (ES-205) into the atmosphere due to the failure to prevent polymer solids building-up and plugging of the Train 7 Cyclo-filter (Incident No. 128386). The emissions event that occurred on August 19, 2009 lasted one hour and 25 minutes. Since the emissions event was avoidable by better operational practices, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2009-1869-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:
    - i. Implement measures designed to ensure that a flame is present at the North Flare at all times (Incident No. 127631); and

- ii. Implement measures designed to prevent the build-up and plugging in the Train 7 Cyclo-filter (Incident Nos. 128266 and 128386).
- b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision 2.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made

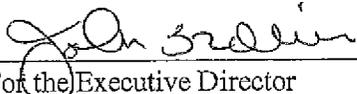
in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

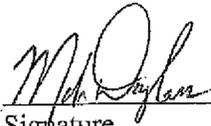
4/20/2010  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

2/17/2010  
Date

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

PLANT MANAGER  
\_\_\_\_\_  
Title

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