

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2009-2089-AIR-E TCEQ ID: RN102457520 CASE NO.: 38909**  
**RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.**

<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 PETRO CHEMICALS USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical refinery</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 four additional pending enforcement actions regarding this facility location, Docket Nos. 2010-0257-AIR-E, 2006-0561-AIR-E, 2009-0131-AIR-E, and 2009-1921-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 24, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Darrell Jacob, Refinery Manager, TOTAL PETROCHEMICALS USA, INC., P.O. Box 849, Port Arthur, Texas 77641  <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> November 12, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 23, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to maintain allowable emission rates. Specifically, the annual emissions limit for volatile organic compounds was exceeded for four tanks during the calendar year 2008: 22TANK0800 by 0.68 tons per year ("tpy"), 22TANK0801 by 3.3675 tpy, 22TANK0802 by 0.66 tpy, and 22TANK0805 by 0.36 tpy [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), Air Permit No. 20381, Special Condition ("SC") 1, and Federal Operating Permit No. O-02222, SC 14].</p>	<p><b>Total Assessed:</b> \$38,800</p> <p><b>Total Deferred:</b> \$7,760  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$15,520</p> <p><b>Total Paid to General Revenue:</b> \$15,520</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 the Respondent obtained an amendment to Air Permit No. 20381 on December 22, 2009 which increased the annual permit limit for volatile organic compounds for 22TANK0800, 22TANK0801, 22TANK0802 and 22TANK0805 to rates that are greater than those emitted during calendar year 2008.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): JE0005H

Attachment A  
Docket Number: 2009-2089-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** TOTAL PETROCHEMICALS USA, INC.  
**Payable Penalty Amount:** Thirty-One Thousand Forty Dollars (\$31,040)  
**SEP Amount:** Fifteen Thousand Five Hundred Twenty Dollars (\$15,520)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station  
**Location of SEP:** Jefferson County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient named above. The contribution will be Southeast Texas Regional Planning Commission to be used for the Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station as set forth in agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with Environmental Protection Agency's recommended "TO-14" list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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



**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen's questions about public health as it related to air quality and will enable TCEQ to identify emission sources.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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



TOTAL PETROCHEMICALS USA, INC.  
Agreed Order – Attachment A

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES** Assigned  PCW  Screening  EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent   
 Reg. Ent. Ref. No.   
 Facility/Site Region  Major/Minor Source

## CASE INFORMATION

Enf./Case ID No.  No. of Violations   
 Docket No.  Order Type   
 Media Program(s)  Government/Non-Profit   
 Multi-Media  Enf. Coordinator   
 EC's Team

Admin. Penalty \$ Limit Minimum  Maximum

## 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**  0.0% Enhancement Subtotal 4

Notes

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

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

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

**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 29-Dec-2009

Docket No. 2009-2089-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38909

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Benoit

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	19	38%
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	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)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to six same or similar NOVs, 19 non-similar NOVs, ten agreed orders with denial of liability, and two agreed orders without denial of liability. Penalty reduction due to three notices of intended audit and one disclosure of violations.

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

Screening Date 29-Dec-2009

Docket No. 2009-2089-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 38909

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Audra Bonoll

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 20381, Special Condition ("SC") 1, and Federal Operating Permit No. O-02222, SC 14

Violation Description

Failed to maintain allowable emission rates. Specifically, the annual emissions limit for volatile organic compounds was exceeded for four tanks during the calendar year 2008: 22TANK0800 by 0.68 tons per year ("tpy"), 22TANK0801 by 3.3675 tpy, 22TANK0802 by 0.66 tpy, and 22TANK0805 by 0.36 tpy.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 365

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

Violation Base Penalty \$10,000

Four annual events are recommended based on the exceedances that occurred from January 1, 2008 to December 31, 2008 for the four tanks.

Good Faith Efforts to Comply

	25.0% Reduction	
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

\$2,500

Notes

The Respondent completed corrective actions for this violation on December 22, 2009, prior to the December 23, 2009 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$198

Statutory Limit Test

Violation Final Penalty Total \$38,800

This violation Final Assessed Penalty (adjusted for limits) \$36,800

# Economic Benefit Worksheet

**Respondent** TOTAL PETROCHEMICALS USA, INC.

**Case ID No.** 38908

**Reg. Ent. Reference No.** RN102457520

**Media** Air

**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 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	\$2,000	1-Jan-2008	22-Dec-2008	1.98	\$198	n/a	\$198
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment to Air Permit No. 20381 which increased the annual permit limit for volatile organic compounds for 22TANK0800, 22TANK0801, 22TANK0802 and 22 TANK0805 to rates that are greater than those emitted during calendar year 2008. The date required is the first date of noncompliance. The final date is the date the permit amendment was issued.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$198

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.44  
Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA Classification: AVERAGE Site Rating: 24.43  
PORT ARTHUR REFINERY

ID Number(s):			
	STORMWATER	PERMIT	TXR15NF16
	WASTEWATER	PERMIT	WQ0000491000
	WASTEWATER	PERMIT	TPDES0004201
	WASTEWATER	PERMIT	TX0004201
	AIR NEW SOURCE PERMITS	PERMIT	16778
	AIR NEW SOURCE PERMITS	PERMIT	2347
	AIR NEW SOURCE PERMITS	PERMIT	3615
	AIR NEW SOURCE PERMITS	PERMIT	10183
	AIR NEW SOURCE PERMITS	PERMIT	10908
	AIR NEW SOURCE PERMITS	PERMIT	11273
	AIR NEW SOURCE PERMITS	PERMIT	11710
	AIR NEW SOURCE PERMITS	PERMIT	12697
	AIR NEW SOURCE PERMITS	PERMIT	14781
	AIR NEW SOURCE PERMITS	PERMIT	16423
	AIR NEW SOURCE PERMITS	PERMIT	16424
	AIR NEW SOURCE PERMITS	PERMIT	16840
	AIR NEW SOURCE PERMITS	PERMIT	5694A
	AIR NEW SOURCE PERMITS	PERMIT	8983A
	AIR NEW SOURCE PERMITS	PERMIT	9195A
	AIR NEW SOURCE PERMITS	PERMIT	9194A
	AIR NEW SOURCE PERMITS	PERMIT	9193A
	AIR NEW SOURCE PERMITS	PERMIT	17352
	AIR NEW SOURCE PERMITS	PERMIT	17920
	AIR NEW SOURCE PERMITS	PERMIT	18936
	AIR NEW SOURCE PERMITS	PERMIT	19490
	AIR NEW SOURCE PERMITS	PERMIT	19965
	AIR NEW SOURCE PERMITS	PERMIT	20381
	AIR NEW SOURCE PERMITS	PERMIT	35330
	AIR NEW SOURCE PERMITS	PERMIT	35329
	AIR NEW SOURCE PERMITS	PERMIT	36873
	AIR NEW SOURCE PERMITS	PERMIT	41280
	AIR NEW SOURCE PERMITS	PERMIT	43109
	AIR NEW SOURCE PERMITS	PERMIT	44046
	AIR NEW SOURCE PERMITS	PERMIT	45378
	AIR NEW SOURCE PERMITS	PERMIT	46060

AIR NEW SOURCE PERMITS	PERMIT	46396
AIR NEW SOURCE PERMITS	PERMIT	47520
AIR NEW SOURCE PERMITS	PERMIT	48595
AIR NEW SOURCE PERMITS	PERMIT	48600
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
AIR NEW SOURCE PERMITS	PERMIT	49136
AIR NEW SOURCE PERMITS	PERMIT	54026
AIR NEW SOURCE PERMITS	PERMIT	54742
AIR NEW SOURCE PERMITS	REGISTRATION	84487
AIR NEW SOURCE PERMITS	REGISTRATION	55151
AIR NEW SOURCE PERMITS	REGISTRATION	55631
AIR NEW SOURCE PERMITS	PERMIT	55916
AIR NEW SOURCE PERMITS	PERMIT	55684
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	AFS NUM	4824500037
AIR NEW SOURCE PERMITS	EPA ID	PSDTX059M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
AIR NEW SOURCE PERMITS	PERMIT	56385
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT	73221
AIR NEW SOURCE PERMITS	REGISTRATION	72436
AIR NEW SOURCE PERMITS	PERMIT	52593
AIR NEW SOURCE PERMITS	REGISTRATION	73844

AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	EPA ID	P762
AIR NEW SOURCE PERMITS	REGISTRATION	90674
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	91082
AIR NEW SOURCE PERMITS	REGISTRATION	91247
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	54827
AIR NEW SOURCE PERMITS	REGISTRATION	91045
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	REGISTRATION	85036
AIR NEW SOURCE PERMITS	REGISTRATION	84944
AIR NEW SOURCE PERMITS	EPA ID	P762M2
AIR NEW SOURCE PERMITS	REGISTRATION	47047
AIR NEW SOURCE PERMITS	REGISTRATION	87865
AIR NEW SOURCE PERMITS	PERMIT	91257
AIR NEW SOURCE PERMITS	REGISTRATION	72108
AIR NEW SOURCE PERMITS	REGISTRATION	51719

AIR NEW SOURCE PERMITS	REGISTRATION	90747
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50074
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074

**COMPLIANCE PLANS**

AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0005H
7600 32ND ST, PORT ARTHUR, TX, 77642		

Location:

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 29, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 29, 2004 to December 29, 2009

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

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

**Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?  
OWNOPR N/A TOTAL PETROCHEMICALS USA, INC.
4. If Yes, who was/were the prior owner(s)/operator(s) ?  
OWNOPR Atofina PAR L.P.
5. When did the change(s) in owner or operator occur?  
06/29/2007 OWNOPR Atofina PAR L.P.
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: 01/08/2005

ADMINORDER 2003-1481-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)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, GC 8 & SC 1 PERMIT  
PSD-TX-1005, GC 8 & SC 1 PERMIT

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter (PM10) on the Condensate Splitter Heater (EPN N 17).

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: 9193A and PSD-TX-453M6, SC 2 PERMIT

Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

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

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT

Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the emissions do not exceed the values as stated in the MAERT.

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: 9195A and PSD-TX-453M6, SC 1 PERMIT

Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN 125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 334, SubChapter B 334.21(b)

Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 03/03/2005

ADMINORDER 2004-0065-AIR-E

Classification: Minor

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

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which occurred on September 8-9, 2003.

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: PSD-TX-453M6, Special Condition 1 PERMIT  
Special Condition 1 PERMIT

Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate

Citation: 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: 46396, Special Condition 1 PERMIT

Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing conducted on August 5-6, 2003.

Classification: Moderate

Citation: 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: 46396, SC 1 PERMIT

Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx during stack testing conducted on January 15-16, 2003.

Classification: Moderate

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

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

Rqmt Prov: 46396, SC 4E PERMIT

Description: Failed to submit two copies of the final test report for the January 15-16 test within 30 days after the sampling was completed.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit which began on September 21, 2003 within 24 hours of discovery.

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: SC 2 PERMIT

Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21, 2003.

Effective Date: 03/21/2005

ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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

Rqmt Prov: MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 lbs of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO2, 45.5 lbs of NOx, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate

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

Rqmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Emitted into the atmosphere the following unauthorized emissions of 95.6 lbs of hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

Effective Date: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Classification: Major

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

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

Rqmt Prov: 16840 and PSD-TX-688M2 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

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

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

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower during the time described by Incident No. 71740.

Effective Date: 10/23/2008

ADMINORDER 2007-1427-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340

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)

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

Rqmt Prov: 56385, Special Condition 12E PERMIT

56385, Special Condition 15 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 1A OP

O-01267, Special Condition 27 OP

Description: Failure to operate with a cap, blind flange, plug, or a second valve installed on equipment in VOC service. EIC C10, MIN (3)(D)

Classification: Moderate

Citation: 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: 56385, Special Condition 4 PERMIT

56385, Special Condition 5 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

Description: Failure to comply with the conditions of a permit. EIC B18. MOD (2)(D)

Classification: Moderate

Citation: 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: 46396, Special Condition 8F PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

Description: Failure to maintain a tank's exterior surface as white or aluminum. EIC B19g.(1) MOD (2)(G)

Classification: Moderate

Citation: 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: 49743, Special Condition 8 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

Description: Failure to maintain permitted loading limit as found in permit. MOD (2)(G) EIC B19g.(1)

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.354(2)

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: 56385, Special Condition 12F PERMIT

56385, Special Condition 15 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 1A OP

O-01267, Special Condition 27 OP

Description: Failure to conduct fugitive monitoring on components. MIN (3)(A), EIC C1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

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

Rqmt Prov: O-01267, General Terms and Conditions OP

O-01267, Special Condition 1A OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(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 QQQ 60.695(a)(3)(ii)

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

Rqmt Prov: 56385, Special Condition 13 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 1A OP

O-01267, Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to obtain permit authorization for four carbon canisters. MOD (2)(D), EIC A2.a

Classification: Minor

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

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.352(2)

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 GGG 60.592(a)

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

Rqmt Prov: 19965, Special Condition 2 PERMIT

19965, Special Condition 5H PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 1A OP

O-01267, Special Condition 27 OP

Description: Failure to repair leaking components within 15 days after the leak was discovered. MOD

(2)(G) EIC C4

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, Special Condition 1A OP

Description: Failure to conduct a visual inspection at least once every six months on an external floating roof tank. MOD(2)(E), EIC B1

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

Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

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(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition (SC) 27 OP

Description: Failure to maintain permitted Carbon monoxide (CO) emissions rate for the FCCU Regenerator Stack. MOD (2)(D) EIC A8c(2)(A)(ii)

Classification: Moderate

Citation: 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: 2347, SC 10 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to conduct compliance testing within sixty days after start-up of four heaters at the refinery. MOD (2)(A) EIC A8c(1)(G)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
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: 56385, SC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)((D) EIC A8c((2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP  
O-01267, SC 4 OP

Description: Failure to obtain permit authorization and properly control VOC emissions from two spent acid tanks. MOD (2)(D) EIC A2.a

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(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

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

Rqmt Prov: 2347, SC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain allowable emissions rates. MOD (2)(D) EIC A8c(2)(A)(ii)

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: 9195A and PSD-TX-453M6, SC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions limit. MOD (2)(D) EIC A8.c.(2)(A)(ii)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
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 J 60.104(a)(2)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 3 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, SC 1A OP  
O-01267, SC 27 OP

Description: Failure to limit the discharge of any gases into the atmosphere to 250 ppm by volume (dry basis) of SO<sub>2</sub> at zero % excess air, from any Claus Sulfur Recovery plant. MOD (2)(D), EIC A8c.(1)(B)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP

O-01267, Special Condition 2F OP

Description: Failure to report the initial notification as soon as practical, but no later than 24-hours after the discovery of an emissions event. MIN (3)(C), EIC C3

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(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 16840 and PSD-TX-688M2, GC 1 PERMIT

O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: Failure to maintain an emission rate below the allowable emission limit. MOD (2)(D), EIC A8c.(2)(A)(ii)

Effective Date: 11/06/2008

ADMINORDER 2008-0243-AIR-E

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)

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

Rqmt Prov: 1267, General Terms and Conditions OP

1267, Special Condition 27 OP

54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare (EPN 53SOUTHFLR) MAER for SO<sub>2</sub> on March 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO<sub>2</sub>, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340

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 63, SubChapter C, PT 63, SubPT AA 63.648(a)

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

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

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 7E PERMIT

O-02222, Special Condition 14 OP

Description: Failed to seal two open-ended lines, identified as Tag No. 01336 on the 40E-7A vessel and Tag No. 40,01668 located near pressure control valve PC 487, with a cap, plug, or blind flange. MIN (3) (C), EIC C10

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter B 115.114(a)(4)

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: 20381, PSD-TX-1005, N-044, SC 6 PERMIT

O-02222, Special Condition 14 OP

O-02222, Special Condition 1A OP

Description: Failed to conduct inspections of external floating roof tanks once every six months.

Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007. MOD (2)(E), EIC B1

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 A 382.085(b)

Rqmt Prov: O-02222, General Terms and Conditions OP

Description: Failed to report the occurrence of all deviations in the semi-annual deviation report.

Specifically, failed to include failure to conduct tank inspections during the first six months of 2006 in the May 14, 2006 - November 13, 2006 semiannual deviation report and failed to include an exceedance of the Condensate Splitter Heater firing rate during a recordable shutdown/startup activity that occurred on November 14 and 15, 2006 in the November 14, 2006 - May 13, 2007 report. MOD (2)(B), EIC B3

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 106, SubChapter K 106.261(a)(2)

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-02222, Special Condition 14 OP

20381, PSD-TX-1005, N-044, SC 1 PERMIT

O-02222, General Terms and Conditions OP

PBR Registration 74442 PERMIT

Description: Failed to comply with the Condensate Splitter Heater combined SO<sub>2</sub> maximum allowable emission rate ("MAER") of 6.06 lbs/hr. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr. MOD (2)(D), EIC A8c.(2)(A)(ii) (Violation incorrectly cited as 106.261(2) in Order.

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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the South Flare MAER for SO<sub>2</sub>, H<sub>2</sub>S, and NO<sub>x</sub>. Specifically, the MAERs for SO<sub>2</sub>, H<sub>2</sub>S, and NO<sub>x</sub> are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO<sub>2</sub>, 6.60 lbs of H<sub>2</sub>S, and 65.00 lbs of NO<sub>x</sub>, resulting in unauthorized emissions of 590.12 lbs of SO<sub>2</sub>, 6.44 lbs of H<sub>2</sub>S, and 21.01 lbs/NO<sub>x</sub>. The demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

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

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 2F OP

Description: Failed to submit final reports within two weeks after the end of reportable emissions events. Specifically, the final reports for the emissions events which occurred on August 17 and 29, 2007 should have been submitted by August 31 and September 12, 2007, respectively, but were not submitted until September 7 and 16, 2007, respectively. EIC C(3) MIN(3)(C)

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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 27 OP  
54026, Special Condition 1 PERMIT

Description: Failed to comply with the SO<sub>2</sub> MAER for the North & South Flares on August 17 and 29, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO<sub>2</sub> per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO<sub>2</sub>, of which 4,036.62 lbs were unauthorized. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H<sub>2</sub>S limit listed.

Effective Date: 11/17/2008

ADMINORDER 2008-0726-AIR-E

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Rqmt Prov: 1267, General Terms and Conditions OP  
1267, Special Condition 2.(F) OP

Description: Failure to report emission events timely.

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

Rqmt Prov: 49743, Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized contaminants into the atmosphere.

Effective Date: 03/23/2009

ADMINORDER 2008-1382-AIR-E

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period.

Effective Date: 04/05/2009

ADMINORDER 2008-0989-AIR-E

Classification: Moderate

Citation: 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: 54026, SC 5D PERMIT  
O-01267, SC 27 OP

Description: Failed to install analyzers which provide a record of the vent stream flow and composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005.

MOD (2)(A) EIC B1

Classification: Moderate

Citation: 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: 56385, SC 3 PERMIT  
O-01267, SC 27 OP

Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006. MOD (2)(G) EIC B19g.(1)

Classification: Moderate

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

Rqmt Prov: 18936 and PSD-TX-762M2, GC 8 PERMIT  
O-01267, SC 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 2347, Special Condition 1 PERMIT  
2347, Special Condition 3 PERMIT  
O-01267, Special Condition 27 OP

Description: Failed to comply with permitted NOx and PM emission limits for the 805 Charge Heater Stack (EPN 51DHT1H-1). Specifically, stack tests conducted on August 21, 2007 recorded emissions of an average of 3.16 lbs/hr of NOx, 0.043 lbs per MMBtu of NOx, and 2.61 lbs/hr of PM. The stack tests conducted on August 24, 2007 recorded emissions of an average of 0.72 lbs/hr of PM. The permitted emission limits for the 805 Charge Heater are 2.52 lbs/hr NOx, 0.47 lbs/hr PM, and 0.035 lbs/MMBtu of NOx.

Effective Date: 07/20/2009

ADMINORDER 2007-0172-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly report three emissions events which began on December 9, 2003, at 6:25 p.m. from the SRU 1, Distillate Hydrotreater 2, and Amine Treater. The three incident reports were submitted more than 24 hrs after the discovery of the incidents. In addition, the report for SRU 1, listed an incorrect air permit number for the SRU and North Flare.

Classification: Minor

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

Description: TOTAL has failed to properly report two emissions events which began on December 9, 2003, at the North and South Flares. The reports for both flares had incorrect air permit numbers on them.

Classification: Moderate

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

Rqmt Prov: 54026 PERMIT

Permit No. 9195A/PSD-TX-453M6 SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the North Flare, South Flare, Distillate Hydrotreater No. 2, SRU 1, and Amine Treater during the time period of December 9, 2003 through December 14, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
5C THC Chapter 382, SubChapter A 382.085(a)

Description: TOTAL has failed to properly report an emissions event that occurred at the Area 1 NAC which began on November 9, 2003. The event was not reported within 24 hrs, and the cause of the event was not complete in the report.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO<sub>2</sub>, and NO<sub>x</sub>, respectively. During the incident, the South Flare released 6,785.7 lbs of SO<sub>2</sub>, and 169 lbs of NO<sub>x</sub>.

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: 54026, Special Condition 1 PERMIT

9195A, Special Condition 1 PERMIT

PSD-TX-453M6 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO<sub>2</sub> and H<sub>2</sub>S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO<sub>2</sub> and 100 lbs of H<sub>2</sub>S. The North Flare has an emission limit of 10.66 lbs/hr for SO<sub>2</sub>. D

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: 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain the minimum flame temperature at the SRU Thermal Reactor [EPN F310] when processing sour water stripping gas.

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: 9195A/PSD-TX-453M6, Special Condition 6 PERMIT

Description: TOTAL has failed to maintain a minimum sulfur recovery efficiency of at least 99.9% at SRU I and SRU II on January 14-18, 23, and March 8-10, 2004.

Classification: Moderate

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

Rqmt Prov: 17352, Special Condition 4C PERMIT

Description: TOTAL has failed to replace spent canister media within five days after breakthrough was detected on December 16, 2003, in the three activated carbon canisters in which emissions from tanks 300, 302, 303, and 310-315 are routed through. On December 16, 2003, H2S breakthrough was discovered at the canisters. However, the spent media was replaced 6 days later.

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: 18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain an emission limit below the maximum allowable concentration for NOx and SO2 at the FCCU flue gas vent (EPN 55RGNFLUGS).

Classification: Moderate

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

Rqmt Prov: 43109, Special Condition 3A PERMIT

Description: TOTAL has failed to maintain the NOx emission limit below the allowable hourly average for Boilers 300 (EPN 61STKBRL) and 350 (EPN 61STKBRL) during the time period from January 7 to February 28, 2004.

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 5B PERMIT

Description: TOTAL has failed to conduct proper maintenance at the Tank 926 Flare (EPN 22TK926FLR) and the Benzene Tank Flare (EPN 50BZTNKFLR) from January 2003 to April 2004.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Exemption 106 PERMIT

Description: TOTAL has failed to maintain a firing rate of 63 MMBtu/hr or less at the BTX Heater H-52 on February 3 and 4, 2004.

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: 54026 PERMIT

9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the Tailgas Thermal Oxidizer (EPN 125) and the North Flare (5) (EPN 41NORTHFLR) on April 28, 2004.

Classification: Minor

Citation: 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: TOTAL failed to properly report an emissions event which occurred on June 21, 2003.

Classification: Moderate

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

Rqmt Prov: Permit No. 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and to prevent unauthorized emissions from the C-200 Sour Fuel Gas Compressor on June 20-21, 2003.

Classification: Minor

Citation: 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: TOTAL has failed to properly report an emission event which occurred on February 25-27,

2003.

Classification: Moderate

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

Rqmt Prov: 18936 and PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) during intermittent lifting of the safety relief valve on C-1A&B at the Atmospheric Crude Unit No. 1 from February 25-27, 2003.

Classification: Minor

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

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emission event which occurred on February 27, 2003.

Classification: Moderate

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

Description: TOTAL has failed to prevent the unauthorized release of 14.55 lbs of benzene into the atmosphere from a leak in the inlet line to the T-4 Recovery Tower on February 27, 2003.

Classification: Minor

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

Description: TOTAL has failed to satisfy the final reporting requirements for a reportable emissions event which occurred on May 1-3, 2003.

Classification: Moderate

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

Description: TOTAL failed to prevent the release of unauthorized benzene emissions from a pinhole leak on the level bridge of the Depentanizer Overhead Drum on May 1-3, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the regional office of a reportable emissions event which occurred on July 17, 2003.

Classification: Moderate

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

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rate for the South Flare (EPN 142) and failed to prevent unauthorized emissions from the Sour Water Stripper 2 line during the emissions event on July 17, 2003.

Classification: Minor

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

Description: TOTAL has failed to properly report an emissions event at Compressor C-301 at the ACU-2

unit which began on December 22, 2003, and ended on December 23, 2004.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the maximum allowable emission rates for the North Flare (5) (EPN 41NORTH:FLR) on December 22-23, 2003.

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(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-453M6, SC 2 PERMIT

Description: TOTAL has failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and failed to prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open.

Classification: Minor

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

Description: TOTAL has failed to properly report an emissions event that occurred at NGL Sphere 848 on March 16-17, 2004.

Classification: Moderate

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

Description: TOTAL has failed to prevent the unauthorized release of ten lbs of benzene from NGL Sphere 848 on March 16-17, 2004.

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: 9193A/PSD-TX-453M6, MAERT PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities, during an emissions event which began on February 8, 2003.

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: 54026, SC 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Two emissions events occurred respectively on July 14 and July 22, 2004, at EPN 41NORTHFLARE, with respective durations of 53.33 and 14.97 hrs, emitting significant quantities of SO2 and H2S.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.340  
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 63, SubChapter C, PT 63, SubPT A 63.11(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, SC 4 PERMIT

54026, SC 5C PERMIT

Description: TOTAL has failed to properly operate EPN 53SOUTHFLR. During an 18 min time period beginning at 15:45 on July 23, 2004, EPN 53SOUTHFLR smoked for a period of six min and two seconds.

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: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable rate for the South Flare

(EPN 142) during an emissions event which started on September 21, 2003.

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: 9193A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable for the North Flare (EPN 307), which is for emergency use only, limiting the amount of emissions to a rate of zero during non-emergency operations - SSM activities. Two such events began on August 16 and September 21, 2003, respectively.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable

emissions events of February 8 - 22, 2003, with respect to EPN 307 and the reportable emission events of September 21, 2003, with respect to EPNs 307 and 142.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record containing a compound descriptive type of all individually listed compounds to have been released during SSM activity, their estimated total quantities, and the authorized emissions limits for applicable compounds. Twenty-five incomplete final reports were submitted or missing for emissions event occurring between December 31, 2003, and August 18, 2004. Note that some emissions events had two such reports, one for VOC and one for other emissions.

Classification: Minor

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

Description: TOTAL has failed to submit a final record no later than two weeks after the end of the scheduled SSM activity. The plant failed to submit a final records as required for an emissions event which began January 30, 2004.

Classification: Moderate

Citation: 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: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limits. There are 16 emissions events between December 31, 2003, and August 18, 2004, which exceeded the MAERT.

Classification: Moderate

Citation: 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: 9195A/PSD-TX-453M6, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO<sub>2</sub> for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NO<sub>x</sub> and VOC emissions were not reported.

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: 43109, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO<sub>2</sub> and 1.88 lbs/hr for H<sub>2</sub>S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H<sub>2</sub>S and 9,380 lbs of SO<sub>2</sub>.

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: TCEQ Air Permit No. 9195A/PSD-TX-453M6 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO<sub>2</sub> and 1.88 lb/hr for H<sub>2</sub>S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H<sub>2</sub>S and 21,036 lb of SO<sub>2</sub>.

Classification: Minor

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

Description: TOTAL has failed to properly notify the TCEQ Regional Office of the reportable emissions event of August 16 - 17, 2003, on two occasions with respect to EPN 307.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
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: TOTAL has failed to properly submit a final record for 24 emission events with respect to common name of area, complete identification and quantification of emitted compounds, or related limits: 10 which began on January 26, February 12, March 26 and 28, and April 11, 21, 22 (two reports), and 28, 2004, respectively; another five reports for emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004.

Classification: Moderate

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

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO<sub>2</sub> in excess of limits, intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released.

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)

Description: TOTAL has failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO<sub>2</sub>, H<sub>2</sub>S, VOCs, CO, and NO<sub>x</sub> from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE.

Classification: Moderate

Citation: 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: TCEQ Air Permit No. 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Specifically, on October 15, 2004, EPN 22TANK0475 at Tank 475 released approximately 3,358 lbs of VOCs in excess of permitted limits during a 209 hr period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to submit a final record no later than 2 weeks after the end of the emissions event or scheduled activity causing the emissions. 3 final record reports were late: (1) for a scheduled emission event which ended on June 13, 2003, submitted late on July 3, 2003; (2) for the emissions event which started on April 21 and ended on April 22, 2004, submitted on May 11, 2004; and (3) for the emissions event that began on April 28 and ended on April 29, 2004, submitted on May 14, 2004.

Classification: Moderate

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

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on June 13, 2003,

during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO<sub>2</sub> in excess of the limit of 0.34 lbs/hr.

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: 9195A/PSD-TX453M6, SC 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO<sub>2</sub> and 469.74 lbs of H<sub>2</sub>S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO<sub>2</sub> and 672.32 lbs of H<sub>2</sub>S were emitted above limits.

Classification: Minor

Citation: 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: TOTAL has failed to completely speciate the VOC emissions in the final reports for emissions events that began on September 16 and October 15, 2004, and to specify the presence and quantity of CO released during an April 22, 2005, emissions event in its final report.

Classification: Minor

Citation: 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)  
30 TAC Chapter 101, SubChapter F 101.211(b)(5)  
30 TAC Chapter 101, SubChapter F 101.211(b)(8)  
30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42508, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39

Classification: Minor

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

Description: TOTAL has failed to submit a final report within two weeks if the information differs from the information provided in the initial notification. Specifically a final report was not submitted for Incident No. 40025 within 14 days. Also failed to submit the initial reports within 24 hrs for Incidents 39529 and 39788.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
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: 18936, PSD-TX-762M2, General Condition 8 PERMIT  
49743, Maximum Allowable Emission Rates PERMIT  
54026, SPECIAL CONDITION 1 PERMIT  
9195A, PSD-TX-453M6 (SC-1) PERMIT  
PSD-TX-453M6, MAES - Special Condition 2 PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 15 emissions events.

Classification: Moderate

Citation: 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: 9195A/PSD-TX-453M6, Special Condition 1 PERMIT  
Permit No. 49743, (SC-1) PERMIT  
Permit No. 54026, (SC-1) PERMIT  
Permit No. 9193A, PSD-TX-453M6, (SC-2) PERMIT

Description: TOTAL has emitted into the atmosphere unauthorized air contaminants during 4 emission events.

Classification: Moderate

Citation: 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: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approx. 254 lbs of H<sub>2</sub>S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approx. 86 lbs of H<sub>2</sub>S, 1,574 lbs of SO<sub>2</sub>, and 7964 lbs of VOC in excess of permitted limits during a 20.27 hr period.

Classification: Minor

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

Description: TOTAL has failed to electronically submit the final report for the emissions event that began on November 14, 2004, and to notify the TCEQ within 24 hrs of the April 22, 2005, emissions event.

Classification: Moderate

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

Rqmt Prov: 18936/PSD-TX-762M2, General Condition 8 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits. Beginning on April 22, 2005, EPN 55RGNFLGS at the Area 2 FCCU released approximately 377 lbs of NOx in excess of permitted limits during a 7 hr period.

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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, Special Condition 1A PERMIT

18936/PSD-TX-762M2, Special Condition 8 PERMIT

Description: TOTAL has failed to maintain the SO2 and NOx concentrations below the maximum allowable limits. FCCU flue gas vent stack's CEMS documented an average hourly SO2 concentration greater than 50 ppm by volume from 2015 to 2115 and from 2200 to 2400 hrs and an average hourly NOx concentration greater than 70 ppm from 0815 to 1115 and from 1145 to 1830 on April 22, 2005.

Classification: Minor

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

Description: TOTAL has failed to notify the Beaumont Regional Office within 24 hrs of a reportable emissions event. The event was discovered on October 31, 2004 at 0919 hrs and was reported on November 1, 2004 at 1132 hrs.

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(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2 PERMIT

18936/PSD-TX-762M2, Special Condition 1A PERMIT

Description: TOTAL has failed to maintain an emission rate below the authorized emission limit. Unauthorized emissions of 7350.56 lbs of SO2 were released from the Wet Gas scrubber on October 31, 2004. Additionally, the SO2 concentration was not maintained below the maximum allowable limit of 50 ppm during the emissions event.

Classification: Moderate

Citation: 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: 49743 PERMIT

Description: TOTAL has failed to prevent unauthorized VOC emissions of 432 lbs on November 8, 2004.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1648.76 lbs of SO2 during a one hr thirty-six min emissions event which occurred at the South Flare on May 3, 2005.

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: 18936/PSD-TX-762M2 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 7.56 lbs/hr. at the FPM Cooling Tower between May 17, 2005, and December 15, 2005. Cooling tower leaks occurring on May 31, July 20, September 7 - 27, and December 14 - 15, 2005 released 23,267.28, 11,899.72, 11,842 and 18,637.12 lbs of unauthorized VOCs respectively.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter P 106.371  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: BY RULE 106.371 PERMIT

Description: TOTAL has failed to maintain the VOCs emission rate below 0.07 lbs/hr at the 805 Reformer Cooling Tower from March 15, until March 18, 2005 when unauthorized emissions of 560.8 lbs of benzene, 1062.6 lbs of toluene, and 88.8 lbs of xylene (a total of 1,712.2 lbs of VOCs) occurred.

Classification: Moderate

Citation: 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: NSR Permit No. 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 1835.42 lbs of SO2 during a nine hr emissions event which occurred at the Middle Flare (EPN-53 MIDFLARE) on June 19, 2005.

Classification: Minor

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

Description: TOTAL has failed to properly notify the TCEQ Beaumont Regional Office of a reportable emissions event. Specifically, an emissions event began on June 19, 2005 at 11:45 hrs, but was not reported until June 20, 2005 at 15:53 hrs, in excess of the 24 hr reporting requirement.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit by Rule, Registration No. 72930 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from Tank 532 (EPN 22TANK0532) on August 19, 2005 due to an emissions event. Specifically, unauthorized emissions of 66.42 lbs of 1,2,4-Trimethylbenzene, 5.76 lbs of Ethylbenzene, 43.84 lbs of hexane, 4.21 lbs of isopropyl benzene, 172.92 lbs of toluene, 1620.24 lbs of VOC, and 194.61 lbs of xylene were released.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.165(b)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-02222 OP

Description: TOTAL has failed to report the occurrence of deviations in a SDR, failed to submit an ACC, and failed to properly certify a SDR. Specifically, TOTAL failed to properly certify their SDR for the period of May 14, 2005 to November 13, 2005, failed to report a deviation in the November 14, 2005 to May 14, 2006 SDR, and failed to submit an ACC for the period of May 14, 2005 to May 14, 2006.

Classification: Moderate

Citation: 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 D 382.085(b)

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions of 99.28 lbs of H2S and 9,078.06 lbs of SO2 from Unit 835. The permitted limits for H2S and SO2 are 0.12 lbs/hr and 10.66 lbs/hr, respectively. The event occurred on July 17, 2006, and lasted for 5 hrs and 14 mins.

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: 18963\PSD-TX-762M3, General Condition 8 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to maintain VOCs emissions below the allowable emissions rate. Specifically, 592,311 lbs of unauthorized VOC from the FPM Cooling Tower were released from July 12 through November 27, 2006, due to exchanger leaks within the saturated Liquids and Crude Units.

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

Rqmt Prov: 54026, Special Condition 1 PERMIT  
O-1267, General Terms & Conditions OP  
O-1267, Special Terms & Conditions 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 7.35 lbs of H2S and 675.88 lbs of SO2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 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: 54026, Special Condition 1 PERMIT  
9195A and PSD-TX-453M6, SC 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 229.98 lbs of H2S, 22,144.41 lbs of SO2, 352.24 lbs of NOx, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH3 from the North and South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006.

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

Rqmt Prov: 54026, Special Condition 1 PERMIT  
O-01267, General Terms and Conditions OP  
O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 13.51 lbs of H2S and 1264.68 lbs of SO2 from the North and South Flares during a 2 hr 42 min emissions event on December 10, 2006.

Effective Date: 10/04/2009

ADMINORDER 2009-0491-AIR-E

Classification: Moderate

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

Rqmt Prov: O-02222 OP

Description: Failure to submit an Annual Compliance Certification (ACC) no later than 30 days after the end of the reporting period. EIC A8 MOD (2)(B) HPV

Effective Date: 10/31/2009

ADMINORDER 2008-0413-AIR-E

Classification: Major

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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 54026, Special Conditions 1 PERMIT  
O-01267, Special Condition 26 OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267, Special Condition 2(F) OP

Description: Failure to properly report an emission event.

Classification: Major

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)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 56409, Special Condition 1 PERMIT  
 O-01267, Special Condition 27 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit.  
 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)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 20381, Special Condition 1 PERMIT  
 O-02222, Special Condition 14 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit.  
 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)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 9195A, Special Condition 1 PERMIT  
 O-01267, General Terms and Conditions OP  
 O-01267, Special Condition 26 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit.  
 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)  
 5C THSC Chapter 382 382.085(b)  
 Rqmt Prov: 1267, General Terms and Conditions OP  
 1267, Special Terms and Conditions 27 OP  
 49136, General Condition 8 PERMIT  
 Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii)  
 MOD(2)(D)

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	01/11/2005	(286852)
2	01/11/2005	(345047)
3	01/11/2005	(345734)
4	01/11/2005	(345742)
5	01/21/2005	(381770)
6	02/21/2005	(381768)
7	03/11/2005	(346656)
8	03/11/2005	(348120)
9	03/11/2005	(350459)
10	03/17/2005	(381769)
11	04/22/2005	(419600)
12	04/27/2005	(345893)
13	05/19/2005	(419601)
14	06/15/2005	(394699)
15	06/16/2005	(395449)
16	06/17/2005	(380022)
17	06/17/2005	(395181)
18	06/21/2005	(393771)
19	06/21/2005	(419602)
20	06/27/2005	(375095)

21	06/27/2005	(394004)
22	07/08/2005	(380986)
23	07/12/2005	(379108)
24	07/13/2005	(395545)
25	07/18/2005	(396246)
26	07/18/2005	(398333)
27	07/21/2005	(440742)
28	08/08/2005	(395607)
29	08/08/2005	(400578)
30	08/08/2005	(400586)
31	08/10/2005	(398204)
32	08/14/2005	(400928)
33	08/14/2005	(402622)
34	08/15/2005	(371587)
35	08/15/2005	(399684)
36	08/15/2005	(403311)
37	08/15/2005	(404442)
38	08/19/2005	(440743)
39	08/31/2005	(340674)
40	08/31/2005	(402164)
41	09/19/2005	(440744)
42	10/21/2005	(468272)
43	11/04/2005	(431104)
44	11/04/2005	(435646)
45	11/04/2005	(436336)
46	11/15/2005	(405196)
47	11/15/2005	(434630)
48	11/15/2005	(435255)
49	11/15/2005	(436155)
50	11/15/2005	(436413)
51	11/18/2005	(435774)
52	11/18/2005	(435798)
53	11/18/2005	(435804)
54	11/18/2005	(435866)
55	11/21/2005	(468273)
56	12/07/2005	(435751)
57	12/12/2005	(404612)
58	12/15/2005	(468274)
59	01/18/2006	(449944)
60	01/19/2006	(439503)
61	01/19/2006	(440180)
62	01/23/2006	(468275)
63	01/24/2006	(452104)
64	02/06/2006	(437341)
65	02/07/2006	(450128)
66	02/07/2006	(453479)
67	02/13/2006	(450178)
68	02/13/2006	(450341)
69	02/15/2006	(454193)
70	02/21/2006	(468270)
71	02/24/2006	(450992)
72	02/24/2006	(452413)
73	03/21/2006	(468271)
74	04/10/2006	(454251)
75	04/18/2006	(455136)
76	04/21/2006	(498089)
77	04/28/2006	(462859)
78	05/11/2006	(461924)

79	05/11/2006	(463343)
80	05/11/2006	(464168)
81	05/11/2006	(464460)
82	05/11/2006	(464467)
83	05/11/2006	(464473)
84	05/11/2006	(465489)
85	05/11/2006	(465492)
86	05/11/2006	(465518)
87	05/11/2006	(465525)
88	05/12/2006	(451451)
89	05/12/2006	(454148)
90	05/12/2006	(454494)
91	05/12/2006	(463148)
92	05/22/2006	(464542)
93	05/22/2006	(498090)
94	05/30/2006	(461199)
95	06/14/2006	(480809)
96	06/22/2006	(498091)
97	06/28/2006	(465850)
98	07/21/2006	(520109)
99	07/25/2006	(482058)
100	07/27/2006	(485194)
101	08/23/2006	(520110)
102	08/31/2006	(460545)
103	09/19/2006	(520111)
104	09/22/2006	(510639)
105	10/20/2006	(544367)
106	11/15/2006	(517804)
107	11/22/2006	(544368)
108	12/21/2006	(544369)
109	12/28/2006	(335708)
110	12/29/2006	(431565)
111	01/12/2007	(531450)
112	01/18/2007	(532164)
113	01/23/2007	(544370)
114	01/29/2007	(531801)
115	02/01/2007	(537518)
116	02/01/2007	(538715)
117	02/02/2007	(497612)
118	02/05/2007	(466788)
119	02/14/2007	(539270)
120	02/14/2007	(540328)
121	02/21/2007	(575101)
122	02/23/2007	(540617)
123	03/19/2007	(538927)
124	03/20/2007	(575102)
125	04/09/2007	(542889)
126	04/21/2007	(540306)
127	04/26/2007	(575103)
128	05/17/2007	(554816)
129	05/18/2007	(554787)
130	05/18/2007	(575104)
131	05/21/2007	(558572)
132	06/20/2007	(575105)
133	06/28/2007	(558540)
134	07/10/2007	(565190)
135	07/11/2007	(542342)
136	07/11/2007	(560069)

137	07/20/2007	(575106)
138	07/23/2007	(567241)
139	08/06/2007	(567736)
140	08/14/2007	(543994)
141	08/20/2007	(601546)
142	08/30/2007	(564577)
143	09/17/2007	(601547)
144	09/26/2007	(573894)
145	10/23/2007	(619450)
146	10/23/2007	(619453)
147	10/26/2007	(596024)
148	11/08/2007	(594034)
149	11/16/2007	(595084)
150	11/20/2007	(619451)
151	11/27/2007	(594170)
152	11/27/2007	(598818)
153	12/10/2007	(610704)
154	12/21/2007	(594470)
155	12/21/2007	(619452)
156	01/16/2008	(612034)
157	01/31/2008	(613691)
158	02/01/2008	(614929)
159	02/06/2008	(615511)
160	02/14/2008	(679796)
161	02/18/2008	(671960)
162	03/03/2008	(613917)
163	03/03/2008	(616707)
164	03/03/2008	(616879)
165	03/03/2008	(616883)
166	03/03/2008	(617277)
167	03/10/2008	(614708)
168	03/14/2008	(637140)
169	03/18/2008	(671961)
170	04/03/2008	(618981)
171	04/03/2008	(619010)
172	04/07/2008	(638446)
173	04/07/2008	(640577)
174	04/09/2008	(636187)
175	04/09/2008	(637830)
176	04/17/2008	(671962)
177	04/24/2008	(641834)
178	05/08/2008	(646149)
179	05/09/2008	(654397)
180	05/13/2008	(689880)
181	05/14/2008	(646173)
182	05/14/2008	(646249)
183	05/14/2008	(646292)
184	05/23/2008	(640976)
185	05/28/2008	(679929)
186	06/03/2008	(641229)
187	06/03/2008	(680279)
188	06/13/2008	(653949)
189	06/16/2008	(689881)
190	06/18/2008	(654558)
191	06/23/2008	(433051)
192	07/08/2008	(683932)
193	07/09/2008	(683891)
194	07/09/2008	(689882)
195	07/18/2008	(680236)

196	07/20/2008	(686130)
197	07/22/2008	(686798)
198	08/01/2008	(683847)
199	08/02/2008	(686525)
200	08/08/2008	(689242)
201	08/11/2008	(710654)
202	08/19/2008	(689537)
203	09/26/2008	(710655)
204	10/13/2008	(710656)
205	11/03/2008	(710657)
206	11/25/2008	(704294)
207	11/25/2008	(707822)
208	11/25/2008	(708173)
209	12/08/2008	(709730)
210	12/08/2008	(709732)
211	12/11/2008	(727425)
212	12/15/2008	(721187)
213	12/30/2008	(707925)
214	01/14/2009	(727426)
215	01/15/2009	(709746)
216	01/22/2009	(683914)
217	01/23/2009	(723990)
218	02/11/2009	(750182)
219	02/19/2009	(724010)
220	02/20/2009	(724769)
221	02/20/2009	(724871)
222	02/25/2009	(722192)
223	03/15/2009	(750183)
224	03/25/2009	(738580)
225	04/02/2009	(741283)
226	04/03/2009	(735828)
227	04/08/2009	(738716)
228	04/08/2009	(750184)
229	04/14/2009	(741430)
230	04/23/2009	(743539)
231	05/15/2009	(768293)
232	06/03/2009	(743882)
233	06/10/2009	(768294)
234	06/10/2009	(768295)
235	06/17/2009	(745434)
236	06/19/2009	(748246)
237	07/03/2009	(746147)
238	07/28/2009	(747611)
239	07/28/2009	(761630)
240	07/29/2009	(762923)
241	07/29/2009	(762945)
242	08/26/2009	(761200)
243	08/27/2009	(767640)
244	08/31/2009	(763762)
245	08/31/2009	(764693)
246	08/31/2009	(765166)
247	09/23/2009	(766537)
248	10/05/2009	(766803)
249	10/05/2009	(776143)
250	10/05/2009	(776463)
251	10/06/2009	(778427)
252	10/13/2009	(761853)
253	10/13/2009	(766561)

254 10/19/2009 (767318)

255 10/23/2009 (764009)

256 11/03/2009 (780844)

257 11/05/2009 (778036)

258 11/10/2009 (781160)

259 11/10/2009 (781162)

260 11/10/2009 (781165)

261 11/20/2009 (766235)

262 11/20/2009 (778703)

263 11/24/2009 (782730)

264 12/01/2009 (781499)

265 12/09/2009 (784593)

266 12/22/2009 (785159)

267 12/23/2009 (780115)

268 12/23/2009 (782403)

269 12/23/2009 (784332)

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

Date: 11/30/2005 (468274) 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: 01/31/2006 (468270) 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: 04/10/2006 (454251) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)  
PC, 2g PERMIT  
Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.

Self Report? NO Classification: Minor  
Citation: Opr, No. 1 PERMIT  
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification: Minor  
Citation: Opr, No. 1 PERMIT  
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date: 05/31/2006 (461199) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: The facility failed to update the notice of registration

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
Description: Failure to list job titles and job descriptions for each employee handling hazardous waste.

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)  
Description: Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and 030 did not list the date of initial accumulation.

Date: 06/30/2006 (520109) 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: 12/31/2006 (544370) 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 (575103) 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: 08/30/2007 (571169)  
Self Report? NO Classification: Moderate  
Citation: 18936 and PSD-TX-762M2, SC 7 PERMIT  
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)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO Classification: Moderate  
Citation: 18936 and PSD-TX-762M2, SC 1A PERMIT  
18936 and PSD-TX-762M2, SC 8 PERMIT  
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 J 60.104(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the 50 ppmv limit for Sulfur dioxide (SO2) on FCCU Regenerator Stack. MOD (2)(D) EIC B18

Self Report? NO Classification: Moderate  
Citation: 18936 and PSD-TX-762M2, SC 8 PERMIT  
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)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the venturi pressure at its minimum rate. MOD (2)(G) EIC B19g.(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)  
46396, SC 4 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

Description: Failure to maintain the minimum temperatures required while loading products at the dock flares. MOD (2)(G) EIC B19g.(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)  
43109, SC 3A and B PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

**Description:** Failure to maintain the permitted NOx and CO limits for Package Boilers H-300 and H-350. MOD (2)(D) EIC B18

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
56385, SC 3 PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

**Description:** Failure to monitor and record daily the food-to-microorganisms (F/M) ratio, the mixed liquid suspended solids (MLSS) ratio, and a residence time. MOD (2)(A) EIC B1

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

**Citation:** 17352, SC 4C PERMIT  
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)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

**Description:** Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G) EIC B14

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(I)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267 SC 15A OP  
O-01267, General Terms and Conditions OP  
O-01267, SC 1A OP

**Description:** Failure to conduct annual no-detectable emissions monitoring and quarterly visual inspections for containers managing benzene wastes. MOD (2)(A) EIC B1

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
56385, SC 12L PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 27 OP

**Description:** Failure to conduct quarterly visual inspections on unburied sewer lines. MOD (2)(A) EIC B1

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP  
O-01267, SC 1A OP  
O-01267, SC 27 OP

**Description:** Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in VOC service. MIN (3)(D) EIC C10

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
54026, SC 5D PERMIT  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, SC 27 OP

**Description:** Failed to install analyzers which provide a record of the vent stream flow and

composition on three flares, North, South, and Middle Flares, Unit Identification Nos. 41NORTHFLR, 53SOUTHFLR, and 41MIDFLARE. Specifically, the Respondent failed to install the analyzers within eighteen months of the permit issuance date of October 8, 2003. The analyzers should have been installed by April 10, 2005. MOD (2)(A) EIC B1

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) O-01267, General Terms and Conditions OP O-01267, SC 1D OP		
Description:	Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)  30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5694A, GC 8 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-01267, General Terms and Conditions OP O-01267, SC 27 OP		
Description:	Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5694A, GC 8 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-01267, General Terms and Conditions OP O-01267, SC 27 OP		
Description:	Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14		
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) 5C THC Chapter 382, SubChapter D 382.085(b) 8983A, SC 1 PERMIT O-01267, General Terms and Conditions OP O-01267, SC 27 OP		
Description:	Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 56385, SC 3 PERMIT 5C THC Chapter 382, SubChapter D 382.085(b) O-01267, SC 27 OP		
Description:	Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006. MOD (2)(G) EIC B19g.(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) 5C THC Chapter 382, SubChapter D 382.085(b) 9195A and PSD-TX-453M6, SC 5 PERMIT O-01267, General Terms and Conditions OP O-01267, SC 27 OP		
Description:	Failure to maintain minimum flame temperatures for four consecutive calendar quarters. MOD (2)(G) EIC B19g.(1)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter D 382.085(b)		

O-01267, General Terms and Conditions OP  
**Description:** Failure to submit a SDR no later than 30 days after the end of the November 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3  
**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 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

**Description:** Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B) EIC B3  
**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 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, General Terms and Conditions OP

**Description:** Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 18936 and PSD-TX-762M2, GC 8 PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01267, SC 27 OP

**Description:** Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

**Date:** 11/27/2007 (608889) CN600582399

**Self Report?** NO **Classification:** Minor  
**Citation:** 20381, PSD-TX-1005, N-004, SC 7E PERMIT  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
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)  
5C THC Chapter 382, SubChapter A 382.085(b)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP

**Description:** Failure to seal several open-ended lines with a cap, plug, or blind flange. MIN(3)C), EIC C10

**Self Report?** NO **Classification:** Moderate  
**Citation:** 20381, PSD-TX-1005, N-044, SC 12 PERMIT  
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)  
O-02222, General Terms and Conditions OP  
O-02222, Special Condition 14 OP

**Description:** Failure to maintain emission rates below the allowable emission limits. MOD (2)(D), EIC B18

**Self Report?** NO **Classification:** Minor  
**Citation:** 20381, PSD-TX-1005, N-044, SC 21 PERMIT  
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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)  
O-02222, General Terms and Conditions OP

O-02222, Special Condition 14 OP  
O-02222, Special Condition 1A OP  
Description: Failure to submit a report within the required timeframes. MOD (3)C), EIC C3

Date: 02/14/2008 (679796) 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

Date: 03/05/2008 (614708) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
Description: Failure to prevent the release of 35 barrels of FAS150 Petroleum Distillate on January 15, 2008 from Storage Tank 317.

Date: 03/14/2008 (614391)  
Self Report? NO Classification: Minor  
Citation: 18936 and PSD-TX-762M3 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-01267, Special Condition 27 OP  
Description: Failure to submit a stack test report within the required timeframe (60 days after sampling was completed). C3 Minor

Date: 03/31/2008 (671962) 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: 05/28/2008 (679929) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: Failure by Total Petrochemical to properly maintain units of conveyance by failing to prevent heavy siltation and debris/trash accumulation in Stormwater Control Structure A.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT  
Description: Failure by Total Petrochemicals to properly maintain Stormwater Control Structure E, by failing to maintain the underflow weir and unit sidewalls.

Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)  
PC 2g PERMIT  
Description: Failure by Total Petrochemicals to prevent unauthorized discharge from the facility.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
EL&MR 1, p2c PERMIT  
Description: Failure by Total Petrochemicals to comply with permitted effluent limitations for Total Organic Carbon samples collected from Outfall 004 on 03/09/2008, and 03/10/2008.

Date: 05/31/2008 (689881) 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: 06/06/2008 (641229)

Self Report? NO

Classification: Minor

Citation: 2347, Special Condition 10E 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-01267, Special Condition 27 OP

Description: Failure to submit stack test report within applicable deadline (60 days after sampling was completed).

Date: 08/19/2008 (689537)

CN600582399

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.

Date: 09/30/2008 (710556)

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: 11/30/2008 (727425)

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: 01/22/2009 (683914)

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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP  
Special Condition 8 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
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)  
General Condition 8 PERMIT  
Special Condition 27 OP  
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 27 OP  
 Description: Failure to maintain allowable emissions rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(I)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(I)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 27 OP  
 Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 8 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
 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)  
 Special Condition 27 OP  
 Special Condition 6 PERMIT

Description: Failure to maintain allowable firing rates.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
 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)  
 Special Condition 2 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates and concentrations.  
 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)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
 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)  
 Special Condition 27 OP  
 Special Condition 5 PERMIT

Description: Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit.  
 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)  
 Special Condition 27 OP  
 Special Condition 9 PERMIT

Description: Failure to maintain operation parameters of scrubber circulation rate, liquid to gas ratio, and venture pressure drop as established in the last satisfactory stack test.  
 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)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Special Condition 27 OP

**Description:** Failure to maintain allowable emissions rates.

**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)  
 Special Condition 27 OP  
 Special Condition 4 PERMIT  
 Special Condition 9 PERMIT

**Description:** Failure to maintain a vacuum greater than 1.5 inches of water on the marine vapor control system during loading operations.

**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)  
 Special Condition 27 OP  
 Special Condition 5.B PERMIT

**Description:** Failure to conduct proper maintenance on Tank -926 flare and Benzene tanks flare.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(b)  
 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)  
 General Condition 8 PERMIT  
 Special Condition 27 OP

**Description:** Failure to maintain allowable emissions rates.

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(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 J 60.104(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP

**Description:** Failure to maintain the content of H2S below 0.1 grains per dry standard cubic foot (gr/dscf).

**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)  
 Special Condition 23 PERMIT  
 Special Condition 27 OP

**Description:** Failure to maintain allowable amine circulation rates.

**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)  
 Permit By Rule (PBR) project 51314 PERMIT  
 Special Condition 27 OP  
 Special Condition 4 PERMIT

**Description:** Failure to maintain allowable firing rates.

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

**Citation:** 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 27 OP  
 Special Condition 3 PERMIT

Description: Failure to maintain proper temperature at the chlorosorb inlet.  
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)  
Special Condition 19 PERMIT  
Special Condition 27 OP

Description: Failure to sample Ammonia from acid gas exiting the waste heat boiler.  
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)  
Special Condition 10 PERMIT  
Special Condition 11 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable throughput rates.  
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)  
Special Condition 18 PERMIT  
Special Condition 27 OP

Description: Failed to maintain allowable loading rate for 2-Methylnaphthalene and failed to authorized per 56385, Special Condition 18.  
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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP

Description: Failure to perform visual tank inspections.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP

Description: Failure to perform visual tank inspections.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to obtain permit authorization for 4 tanks.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
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 QQQ 60.695(a)(3)(ii)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13 PERMIT  
Special Condition 14 PERMIT  
Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Date: 04/03/2009 (735828) CN600582399

Self Report? NO Classification: Moderate

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

Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 OP  
Special Condition 6 PERMIT

Description: Failure to perform visual tank inspections.

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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT

Special Condition 14 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
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)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 OP  
Special Condition 7E PERMIT

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.

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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 12 PERMIT  
Special Condition 14 OP

Description: Failure to maintain allowable emissions rates and Heat Specific Factors.

Date: 04/30/2009 (768293) 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: 06/18/2009 (745434)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.464(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1A OP  
Description: Failure to properly operate Tank 907, an external floating roof storage vessel.

Date: 08/26/2009 (761200) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 26 OP  
Description: Failure to maintain allowable emissions rates.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
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)  
General Condition 8 PERMIT  
Special Condition 26 OP  
Special Condition 3 PERMIT  
Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 8 PERMIT  
Special Condition 26 OP  
Description: Failure to maintain allowable emissions rates.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
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)  
General Condition 8 PERMIT  
Special Condition 2 PERMIT  
Special Condition 26 OP  
Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
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)  
General Condition 1 PERMIT  
Special Condition 1 PERMIT  
Special Condition 26 OP

**Description:** Failure to maintain allowable emissions rates and firing rates.  
**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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 26 OP

**Description:** Failure to maintain allowable emissions rates.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(b)  
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)  
General Condition 8 PERMIT  
Special Condition 26 OP  
Special Condition 8 PERMIT

**Description:** Failure to maintain allowable emissions rates and concentrations. EIC B14  
MOD(2)(D)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(b)  
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)  
General Condition 8 PERMIT  
Permit By Rule (PBR) project 51314 PERMIT  
Special Condition 26 OP  
Special Condition 4 PERMIT

**Description:** Failure to maintain allowable emissions rates and firing rates.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 26 OP  
Special Condition 3 PERMIT

**Description:** Failure to maintain allowable emissions rates and concentrations.  
**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)  
Special Condition 26 OP  
Special Condition 5 PERMIT

**Description:** Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit for more than 168 hours in four consecutive calendar quarters for SRU-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)  
5C THSC Chapter 382 382.085(b)  
Special Condition 13B PERMIT  
Special Condition 26 OP

**Description:** Failure to maintain operation parameters of scrubber venturi pressure drop as established in the last satisfactory stack test.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(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 UU 60.472(c)  
5C THSC Chapter 382 382.085(b)

Special Condition 2 PERMIT  
Special Condition 26 OP

Description: Failure to comply with an opacity limitation.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP

Description: Failure to authorize Tank 531 for its current service.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(2)  
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(d)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Condition 1D OP  
Special Condition 26 OP  
Special Condition 5(I) PERMIT

Description: Failure to repair a leaking fugitive component within 15 days of detection.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1D OP

Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.  
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)  
Special Condition 16 C PERMIT  
Special Condition 26 OP

Description: Failed to maintain allowable loading rate for Benzene.  
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)  
Special Condition 26 OP  
Special Condition 5 PERMIT

Description: Failure to collect loading vapors from atmospheric tank truck loading facility.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 26 OP

Description: Failure to authorize the Off Gas Treater (OGT) Cooling Tower for its current service.  
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)  
Special Condition 26 OP  
Special Condition 4C PERMIT

Description: Failure to Monitor and record stack exhaust temperature.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
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)  
Permits 9195A, 16840, and 43109 PERMIT  
Special Condition 26 OP

Description: Failure to perform Cylinder Gas Audits (CGAs) during the third quarter of 2008 on the Continuous Emissions Monitoring Systems (CEMS) of EPNs 15SRUINCIN, 60COGENSTK, and 61BLRSTCK.

Date: 12/23/2009 (782403)

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)  
5C THSC Chapter 382 382.085(b)  
Permit by Rule (PBR) 74442 PERMIT  
Special Condition 1 PERMIT  
Special Condition 12 PERMIT  
Special Condition 14 ORDER

Description: Failure to maintain allowable emissions rates and Heat Specific Factors.

F. Environmental audits.

11/14/2008 (721343)

Notice of Intent Date:

No DOV Associated

02/13/2009 (740077)

Notice of Intent Date:

Disclosure Date: 08/14/2009

Viol. Classification: Moderate

Citation: 40 CFR Part 61, Subpart FF 61.355(c)(3)

Description: Failure to collect a minimum of three representative samples form each waste stream.

09/08/2009 (776664)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOTAL PETROCHEMICALS USA,  
INC.  
RN102457520**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-2089-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 refinery at 7600 32nd Street 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 December 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-Eight Thousand Eight Hundred Dollars (\$38,800) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Fifteen Thousand Five Hundred Twenty Dollars (\$15,520) of the administrative penalty and Seven Thousand Seven Hundred Sixty Dollars (\$7,760) 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. Fifteen Thousand Five Hundred Twenty Dollars (\$15,520) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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 the Respondent obtained an amendment to Air Permit No. 20381 on December 22, 2009 which increased the annual permit limit for volatile organic compounds for 22TANK0800, 22TANK0801, 22TANK0802 and 22TANK0805 to rates that are greater than those emitted during calendar year 2008.
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 failed to maintain allowable emission rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 20381, Special Condition ("SC") 1, and Federal Operating Permit No. O-02222, SC 14, as documented during a record review conducted on November 12, 2009. Specifically, the annual emissions limit for volatile organic compounds was exceeded for four tanks during the calendar year 2008: 22TANK0800 by 0.68 tons per year ("tpy"), 22TANK0801 by 3.3675 tpy, 22TANK0802 by 0.66 tpy, and 22TANK0805 by 0.36 tpy.

## 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. 2009-2089-AIR-E" to:

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

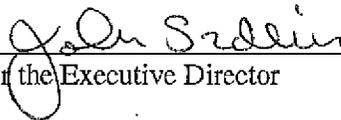
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fifteen Thousand Five Hundred Twenty Dollars (\$15,520) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon 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 4/23/2010

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 3/11/10

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

Refinery 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.



Attachment A  
Docket Number: 2009-2089-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** TOTAL PETROCHEMICALS USA, INC.  
**Payable Penalty Amount:** Thirty-One Thousand Forty Dollars (\$31,040)  
**SEP Amount:** Fifteen Thousand Five Hundred Twenty Dollars (\$15,520)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station  
**Location of SEP:** Jefferson County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient named above. The contribution will be Southeast Texas Regional Planning Commission to be used for the Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station as set forth in agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with Environmental Protection Agency's recommended "TO-14" list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen's questions about public health as it related to air quality and will enable TCEQ to identify emission sources.

C. Minimum Expenditure

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

**2. Performance Schedule**

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

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

TOTAL PETROCHEMICALS USA, INC.  
Agreed Order - Attachment A

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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

