

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO. 2009-0131-AIR-E RN102457520 CASE NO. 37082
RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATIONS OCCURRED: 7600 32nd Street, Port Arthur, Jefferson County

TYPE OF OPERATION: petroleum refinery

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints related to this enforcement action. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired January 7, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Jeffrey Huhn, Litigation Division, MC 175, (512) 239-3400
 Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Audra Benoit, Air Enforcement Section, MC R-10, (409) 899-8799

TCEQ Regional Contact: Kathryn Saucedo, Beaumont Regional Office, MC R-10, (409) 989-3838

TCEQ SEP Coordinator: Sharon Blue, Litigation Division, MC 175, (512) 239-3400

Respondent: Darrel Jacob, Refinery Manager, TOTAL PETROCHEMICALS Port Arthur Refinery, 7600 32nd Street, Port Arthur, Texas 77642-7901

Respondent's Attorney: Carlos Romo, Baker Botts L.L.P., 1500 San Jacinto Center, 98 San Jacinto Boulevard, Austin, Texas 78701-4078.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint: N/A</p> <p>Dates of Investigation: September 8-11, 2008 January 16, 2009</p> <p>Dates of NOEs: January 22, 2008, and February 19, 2009</p> <p>Background Facts: The EDPRP was filed on July 23, 2009. Respondent filed an answer and the case was referred to SOAH. The Agreed Order was signed on December 16, 2010.</p> <p>AIR:</p> <ol style="list-style-type: none"> Failed to maintain allowable emissions rates [30 TEX. ADMIN. CODE §§ 106.6(b), 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit (FOP) No. 1267, Special Condition (SC) No. 27, and Air Permit Nos. 35329, 43981, 49982, 56735, 72930, and 74505, SC No. 1, and 46396, General Terms and Conditions (GTC) No. 8 and SC1]. Failed to maintain allowable emissions rates [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), FOP No. 1267, SC No. 27, and Air Permit No. 18936, SC Nos. 1 and 8]. Failed to properly report an emissions event [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D), (b)(1)(G) and (b)(1)(H) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 1267, GTC and SC No. 2F]. Failed to prevent unauthorized emissions. Specifically, an emissions event on October 16, 2008, released 37,937.78 pounds (lbs) of hydrogen sulfide for a period of thirty hours [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 1267, GTC and SC2 No. 6, and Air Permit Nos. 54026, SC1, and 9195A, SC1]. 	<p>Total Assessed: \$130,575</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$65,287</p> <p>Total Paid to General Revenue: \$65,288</p> <p>Respondent paid \$65,288 of the administrative penalty. Respondent shall contribute \$65, 287 to a Supplemental Environmental Project (SEP).</p> <p>Compliance History Classifications: <i>Person/CN – Average</i> <i>Site/RN – Average</i></p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Respondent performed the following corrective actions:</p> <ol style="list-style-type: none"> Provided information to the TCEQ on January 22, 2009, confirming permit compliance of combustion sources 17REFREGEN, 22BZNTKFLR, 45DOCKFLR2, 51DHT1H-3, and 52DHT2H-2A during calendar years 2007 and 2008 (violation 2); Completed repairs to the feedback control arm on valve 601, the main air control valve to the blower in SRU-1 on December 2, 2008 (violation 4); Implemented a per-submittal peer review of all final reports prior to submittal to TCEQ on December 3, 2008 (violation 3); and Submitted a permit application to the TCEQ for tanks 482, 516, 530, 906, 907, and 2000 on September 1, 2009 (violation 1). <p>Ordering Provisions:</p> <p>Respondent shall implement and complete a SEP (RC&D Clean School Buses - <u>Southeast Texas Regional Planning Commission</u> – West Port Arthur Home Energy Efficiency Program).</p>

Attachment A
Docket Number: 2009-0131-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.

Penalty Amount: One hundred thirty thousand five hundred seventy-five dollars (\$130,575)

Total SEP Offset Amount: Sixty-five thousand two hundred eighty-seven dollars (\$65,287)

- **Project 1:**
 - SEP Offset Amount:** Thirty-two thousand six hundred forty-four dollars (\$32,644)
 - Third Party Recipient:** **Texas Association of Resource Conservation & Development *Clean School Buses***
 - Type of SEP:** Pre-approved contribution
 - Location of SEP:** Texas Air Quality Control Region 106 – Southeast Texas
- **Project 2:**
 - SEP Offset Amount:** Thirty-two thousand six hundred forty-three dollars (\$32,643)
 - Third Party Recipient:** **Southeast Texas Regional Planning Commission *West Port Arthur Home Energy Efficiency Program***
 - Type of SEP:** Pre-approved contribution
 - 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 Respondent to contribute to two (2) Supplemental Environmental Projects (“SEP”). The total offset amount is equal to the two SEP offset amounts described above, and offset is conditioned upon completion of each SEP in accordance with the terms of this Attachment A.

1. Project Descriptions

A. Project Information

Project 1 – Clean School Buses

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D** to be used for the *Clean School Buses* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new cleaner technology. RC&D shall disburse SEP Funds to school districts, area transit agencies, or local governments on a needs-rated basis, using non-attainment area status, condition of buses, or economic status of recipient as possible rating factors if competition for funds exists. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

Project 2 – West Port Arthur Home Energy Efficiency Program

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *West Port Arthur Home Energy Efficiency Program* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; 3) repairing or replacing heating/cooling systems and major appliances with new, energy efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Third-Party Recipient shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

B. Environmental Benefit

Project 1 – Clean School Buses

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing particulate matter (PM), and the ozone precursors NOx and hydrocarbon (HC), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), a model year 2007 bus will be 90% cleaner in terms of particulate matter emissions than a model year 2004 bus. New HC and NOx standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants. This SEP will provide a discernible environmental benefit by reducing exposure of children and other bus passengers to harmful air pollutants.

Project 2 – West Port Arthur Home Energy Efficiency Program

This SEP will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

Project 1 – Clean School Buses

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

Texas RC&D
Attention: Mickey Reynolds, President
1716 Briarcrest Drive Suite 507
Bryan, Texas 77802-2700

Project 2 – West Port Arthur Home Energy Efficiency Program

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental Resources
Attention: SEP - West Port Arthur Home Energy Project
South East Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont, TX 77703

3. Records and Reporting

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent fails to perform its obligations under this SEP in any way, including full payment of the Total SEP Offset Amount and submittal of the required reporting as described in paragraph 3 above, the Executive Director may require immediate payment of all or part of the Total SEP Offset Amount.

In the event of incomplete performance, Respondent shall submit a check for any remaining amount due, made payable to "Texas Commission on Environmental Quality," with the notation "SEP Refund," and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning these SEPs made by or on behalf of Respondent must include a clear statement that the projects were 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

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

7. Other SEPs by TCEQ or Other Agencies

The SEPs identified in this Agreed Order have not been, and shall not be, included as SEPs for 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	26-Feb-2009	Screening	27-Feb-2009	EPA Due	29-Nov-2009
	PCW	2-Sep-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	TOTAL PETROCHEMICALS USA, INC.
Reg. Ent. Ref. No.	RN102457520
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37082	No. of Violations	4
Docket No.	2009-0131-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$35,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	282.0% Enhancement	Subtotals 2, 3, & 7	\$98,700
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Notes: Penalty enhancement for six same or similar NOV's, 24 unrelated NOV's, nine agreed orders with denial of liability, and one agreed order without denial of liability. Penalty reduction due to one Notice of Intended Audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$3,125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,440
Approx. Cost of Compliance	\$14,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$130,575
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$130,575**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$130,575
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$130,575
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Screening Date 27-Feb-2009

Docket No. 2009-0131-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Policy Revision 2 (September 2002)

Case ID No. 37082

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	9	180%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 282%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Penalty enhancement for six same or similar NOVs, 24 unrelated NOVs, nine agreed orders with denial of liability, and one agreed order without denial of liability. Penalty reduction due to one Notice of Intended Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 282%

Screening Date 27-Feb-2009 **Docket No.** 2009-0131-AIR-E **PCW**
Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*
Case ID No. 37082 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102457520
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(b), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 1267, Special Condition ("SC") No. 27, and Air Permit Nos. 35329, 43981, 49982, 56735, 72930, 74505, SC No. 1 and 46396, General Terms and Conditions ("GTC") No. 8, and SC No. 1
Violation Description Failed to maintain allowable emissions rates. Specifically the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 6 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0906 by 0.65 ton, 22TANK0907 by 0.65 ton, and 20TANK2000 by 0.1 ton.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health and the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$15,000

Six annual events are recommended based on the exceedances that occurred from January 1, 2006 to December 31, 2006 at six tanks.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria.

Violation Subtotal \$15,000

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

Estimated EB Amount \$917 Violation Final Penalty Total \$57,300

This violation Final Assessed Penalty (adjusted for limits) \$57,300

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 37082
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jan-2006	1-Sep-2009	3.67	\$917	n/a	\$917

Notes for DELAYED costs

Estimated cost to implement measures to prevent the exceedance of permit limits. The date required is the first date of noncompliance. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$917

Screening Date 27-Feb-2009 **Docket No.** 2009-0131-AIR-E **PCW**
Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*
Case ID No. 37082 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102457520
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number 2
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), FOP No. 1267, SC No. 27, and Air Permit No. 18936, SC Nos. 1 and 2
Violation Description Failed to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide, 17REFREGEN by 0.8 ton for hydrogen chloride, 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, 52DHT2H-2A by 3.83 tons for NOx.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health and the environment has been exposed to an insignificant amount of pollutants that did not exceed protective levels for the year.

Adjustment \$7,500
\$2,500

Violation Events

Number of Violation Events 5 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$12,500

Five annual events are recommended based on the exceedances that occurred from January 1, 2006 to December 31, 2006 at the five combustion sources.

Good Faith Efforts to Comply 10.0% Reduction \$1,250

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

Notes Compliance was achieved based on documentation submitted after the January 22, 2009 NOE.

Violation Subtotal \$11,250

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

Estimated EB Amount \$470 **Violation Final Penalty Total** \$46,500

This violation Final Assessed Penalty (adjusted for limits) \$46,500

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 37082
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	1-Jan-2006	18-Feb-2009	3.13	\$470	n/a	\$470

Notes for DELAYED costs

Estimated cost to implement measures to comply with permit limits. The date required is the first date of noncompliance. The final date is the date compliance documentation was submitted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$470

Screening Date 27-Feb-2009 **Docket No.** 2009-0131-AIR-E **PCW**
Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*
Case ID No. 37082 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102457520
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(D), (b)(1)(G), and (b)(1)(H), and 122.143(4), Tex. Health & Safety Code 382.085(b), and FOP No. 1267, GTC and SC No. 2F
Violation Description Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 115548. The Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			25%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500 **\$2,500**

Violation Events

Number of Violation Events 1 34 Number of violation days
 mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event x
Violation Base Penalty \$2,500

One single event is recommended for the one report.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes Compliance was achieved on December 3, 2008, prior to the February 19, 2009 NOE.

Violation Subtotal \$1,875

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

Estimated EB Amount \$7 **Violation Final Penalty Total** \$8,925

This violation Final Assessed Penalty (adjusted for limits) \$8,925

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 37082
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Oct-2008	3-Dec-2008	0.09	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to review emissions event reporting requirements with reporting personnel. The date required is the date the final report was due to be submitted. The final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$7

Screening Date 27-Feb-2009 **Docket No.** 2009-0131-AIR-E **PCW**
Respondent TOTAL PETROCHEMICALS USA, INC. *Policy Revision 2 (September 2002)*
Case ID No. 37082 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102457520
Media [Statute] Air
Enf. Coordinator Kimberly Morales

Violation Number 4

Rule Cite(s) 30 Tex. Adm. Code §§ 116.115(b)(2)(F), and (c), and 122.143(4), Tex. Health & Safety Code 382.085(b), FOP No. 1267, GTC and SC No. 26, and Air Permit Nos. 54026, SC No. 1, and 9195A, SC No. 1

Violation Description Failed to prevent unauthorized emissions during Incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit (15SRUINCIN) occurred on October 16, 2008, releasing 37,937.78 pounds ("lbs") of sulfur dioxide and 362.12 lbs of hydrogen sulfide for a period of 30 hours. Since the Respondent failed to adequately report this emissions event, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended based on the emissions event which occurred on October 16, 2008.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes Compliance was achieved on December 3, 2008, prior to the February 19, 2009 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$17,850

This violation Final Assessed Penalty (adjusted for limits) \$17,850

Economic Benefit Worksheet

Respondent TOTAL PETROCHEMICALS USA, INC.
Case ID No. 37082
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	16-Oct-2008	3-Dec-2008	0.13	\$2	\$44	\$46
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure compliance. The date required is the date the emissions event started. The final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$46

Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 2.94
Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA Classification: AVERAGE Site Rating: 9.27
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	5694
	AIR NEW SOURCE PERMITS	PERMIT	9194
	AIR NEW SOURCE PERMITS	PERMIT	9195
	AIR NEW SOURCE PERMITS	PERMIT	10183
	AIR NEW SOURCE PERMITS	PERMIT	10908
	AIR NEW SOURCE PERMITS	PERMIT	10970
	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	43981
	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	47047
	AIR NEW SOURCE PERMITS	PERMIT	47520
	AIR NEW SOURCE PERMITS	PERMIT	48595
	AIR NEW SOURCE PERMITS	PERMIT	48600
	AIR NEW SOURCE PERMITS	PERMIT	49417
	AIR NEW SOURCE PERMITS	PERMIT	49743
	AIR NEW SOURCE PERMITS	PERMIT	49982
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
	AIR NEW SOURCE PERMITS	PERMIT	72108
	AIR NEW SOURCE PERMITS	PERMIT	51719
	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	PSDTX688
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M6
	AIR NEW SOURCE PERMITS	PERMIT	56409
	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	REGISTRATION	71694
	AIR NEW SOURCE PERMITS	PERMIT	55072
	AIR NEW SOURCE PERMITS	PERMIT	53687
	AIR NEW SOURCE PERMITS	PERMIT	54827
	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	74856
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	PERMIT	N67
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	83825
AIR NEW SOURCE PERMITS	EPA ID	P762
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	REGISTRATION	86357
AIR NEW SOURCE PERMITS	REGISTRATION	85036
AIR NEW SOURCE PERMITS	REGISTRATION	84944
AIR NEW SOURCE PERMITS	EPA ID	P762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1193
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 COMPLIANCE PLANS	PERMIT	50074

Location: 7600 32ND ST, PORT ARTHUR, TX, 77642

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 10, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 05, 2004 to February 05, 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site:

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

Effective Date: 05/14/2004

ADMINORDER 2002-0888-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization unit at the facility during the second quarter 2001.

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 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Not specified PERMIT

SC2 PERMIT
SC2B PERMIT
SC3H PERMIT

Description: Failure to monitor light liquid service pumps monthly during the months of February, March, April and May 2001.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC2 PERMIT

Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking until a leak is not detected for two successive months.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
40 CFR Part 60, Subpart GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd quarter 2001.

Classification: Moderate

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

Rqmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

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

Rqmt Prov: SC5 PERMIT

Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004 ADMINORDER 2002-1051-AIR-E

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: SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate

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

Rqmt Prov: SC 1D PERMIT

Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun 30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

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: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

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: GC8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: GC8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: GC8 PERMIT
SC2 PERMIT

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

Classification: Moderate

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Rqmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the Alkylation Unit.

Classification: Moderate

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: GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC, NO2 and CO.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate

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

Rqmt Prov: SC2 PERMIT

Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset.

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC1 PERMIT

Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

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: GC 8 PERMIT

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

Classification: Moderate

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

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

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

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

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: GC 8 PERMIT

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

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 NO_x, 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 NO_x, 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: 07/03/2008

ADMINORDER 2007-1580-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

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 SO₂ 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 SO₂ 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 SO₂, 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: 0-02222, 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 SO2 maximum allowable emission rate ("MAER") of 6.08 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 SO2, H2S, and NOx. Specifically, the MAERs for SO2, H2S, and NOx 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 SO2, 6.60 lbs of H2S, and 65.00 lbs of NOx, resulting in unauthorized emissions of 590.12 lbs of SO2, 6.44 lbs of H2S, and 21.01 lbs/NOx. 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 SO2 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 SO2 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 SO₂, 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 H₂S 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.

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	02/18/2004	(262253)
2	02/23/2004	(295004)
3	02/25/2004	(263664)
4	03/05/2004	(258714)
5	03/18/2004	(259900)
6	03/22/2004	(295006)
7	03/30/2004	(332764)
8	04/08/2004	(265693)
9	04/19/2004	(295007)
10	04/23/2004	(264889)
11	04/28/2004	(269294)
12	05/21/2004	(295009)
13	05/25/2004	(271847)
14	06/15/2004	(271209)
15	06/17/2004	(273769)
16	06/17/2004	(275130)
17	06/22/2004	(295011)
18	06/23/2004	(269696)
19	07/12/2004	(269851)
20	07/21/2004	(295013)
21	07/29/2004	(269691)
22	08/16/2004	(281567)
23	08/17/2004	(280413)
24	08/17/2004	(283908)
25	08/17/2004	(286899)
26	08/23/2004	(351943)
27	08/31/2004	(280247)
28	08/31/2004	(285080)
29	09/21/2004	(351944)
30	09/27/2004	(282656)

31	10/21/2004	(351945)
32	11/12/2004	(291212)
33	11/18/2004	(351946)
34	11/29/2004	(337787)
35	12/07/2004	(341531)
36	12/14/2004	(269700)
37	12/17/2004	(351947)
38	01/11/2005	(286852)
39	01/11/2005	(345047)
40	01/11/2005	(345734)
41	01/11/2005	(345742)
42	01/21/2005	(381770)
43	02/21/2005	(381768)
44	03/11/2005	(346656)
45	03/11/2005	(348120)
46	03/11/2005	(350459)
47	03/17/2005	(381769)
48	03/29/2005	(372850)
49	04/22/2005	(419600)
50	04/27/2005	(345893)
51	05/19/2005	(419601)
52	06/15/2005	(394699)
53	06/16/2005	(395449)
54	06/17/2005	(380022)
55	06/17/2005	(395181)
56	06/21/2005	(393771)
57	06/21/2005	(419602)
58	06/27/2005	(375095)
59	06/27/2005	(394004)
60	07/08/2005	(380986)
61	07/12/2005	(379108)
62	07/13/2005	(395545)
63	07/18/2005	(396246)
64	07/18/2005	(398333)
65	07/21/2005	(440742)
66	08/08/2005	(395607)
67	08/08/2005	(400578)
68	08/08/2005	(400586)
69	08/10/2005	(398204)
70	08/14/2005	(400928)
71	08/14/2005	(402622)
72	08/15/2005	(371587)
73	08/15/2005	(399684)
74	08/15/2005	(403311)
75	08/15/2005	(404442)
76	08/19/2005	(440743)
77	08/31/2005	(340674)
78	08/31/2005	(402164)
79	09/19/2005	(440744)
80	10/21/2005	(468272)
81	11/04/2005	(431104)
82	11/04/2005	(435646)
83	11/04/2005	(436336)
84	11/15/2005	(405196)
85	11/15/2005	(434630)
86	11/15/2005	(435255)
87	11/15/2005	(436155)
88	11/15/2005	(436413)
89	11/18/2005	(435774)

90	11/18/2005	(435798)
91	11/18/2005	(435804)
92	11/18/2005	(435866)
93	11/21/2005	(468273)
94	12/07/2005	(435751)
95	12/12/2005	(404612)
96	12/15/2005	(468274)
97	01/18/2006	(449944)
98	01/19/2006	(439503)
99	01/19/2006	(440180)
100	01/23/2006	(468275)
101	01/24/2006	(452104)
102	02/06/2006	(437341)
103	02/07/2006	(450128)
104	02/07/2006	(453479)
105	02/13/2006	(450178)
106	02/13/2006	(450341)
107	02/15/2006	(454193)
108	02/21/2006	(468270)
109	02/24/2006	(450992)
110	02/24/2006	(452413)
111	03/21/2006	(468271)
112	04/10/2006	(454251)
113	04/18/2006	(455136)
114	04/21/2006	(498089)
115	04/28/2006	(462859)
116	05/11/2006	(461924)
117	05/11/2006	(463343)
118	05/11/2006	(464168)
119	05/11/2006	(464460)
120	05/11/2006	(464467)
121	05/11/2006	(464473)
122	05/11/2006	(465489)
123	05/11/2006	(465492)
124	05/11/2006	(465518)
125	05/11/2006	(465525)
126	05/12/2006	(451451)
127	05/12/2006	(454148)
128	05/12/2006	(454494)
129	05/12/2006	(463148)
130	05/22/2006	(464542)
131	05/22/2006	(498090)
132	05/30/2006	(461199)
133	06/14/2006	(480809)
134	06/22/2006	(498091)
135	06/28/2006	(465850)
136	07/21/2006	(520109)
137	07/25/2006	(482058)
138	07/27/2006	(485194)
139	08/23/2006	(520110)
140	08/31/2006	(460545)
141	09/19/2006	(520111)
142	09/22/2006	(510639)
143	10/20/2006	(544367)
144	11/15/2006	(517804)
145	11/22/2006	(544368)
146	12/21/2006	(544369)
147	12/28/2006	(335708)
148	12/29/2006	(431565)

149	01/12/2007	(531450)
150	01/18/2007	(532164)
151	01/23/2007	(544370)
152	01/29/2007	(531801)
153	02/01/2007	(537518)
154	02/01/2007	(538715)
155	02/02/2007	(497612)
156	02/05/2007	(466788)
157	02/14/2007	(539270)
158	02/14/2007	(540328)
159	02/21/2007	(575101)
160	02/23/2007	(540617)
161	03/19/2007	(538927)
162	03/20/2007	(575102)
163	04/09/2007	(542889)
164	04/21/2007	(540306)
165	04/26/2007	(575103)
166	05/02/2007	(557540)
167	05/16/2007	(573950)
168	05/16/2007	(652271)
169	05/17/2007	(554816)
170	05/18/2007	(554787)
171	05/18/2007	(575104)
172	05/21/2007	(558572)
173	06/20/2007	(575105)
174	06/28/2007	(558540)
175	07/10/2007	(565190)
176	07/11/2007	(542342)
177	07/11/2007	(560069)
178	07/20/2007	(575106)
179	07/23/2007	(567241)
180	08/06/2007	(567736)
181	08/10/2007	(574318)
182	08/10/2007	(652719)
183	08/14/2007	(543994)
184	08/20/2007	(601546)
185	08/30/2007	(564577)
186	09/17/2007	(601547)
187	09/20/2007	(593858)
188	09/26/2007	(573894)
189	10/23/2007	(619450)
190	10/23/2007	(619453)
191	10/26/2007	(596024)
192	11/08/2007	(594034)
193	11/15/2007	(653101)
194	11/16/2007	(595084)
195	11/20/2007	(619451)
196	11/27/2007	(594170)
197	11/27/2007	(598818)
198	12/10/2007	(610704)
199	12/21/2007	(594470)
200	12/21/2007	(619452)
201	01/16/2008	(612034)
202	01/31/2008	(613691)
203	02/01/2008	(614929)
204	02/06/2008	(615511)
205	02/07/2008	(616836)
206	02/08/2008	(652166)
207	02/14/2008	(679796)

208	02/18/2008	(671960)
209	03/03/2008	(613917)
210	03/03/2008	(616707)
211	03/03/2008	(616879)
212	03/03/2008	(616883)
213	03/03/2008	(617277)
214	03/10/2008	(614708)
215	03/14/2008	(637140)
216	03/18/2008	(671961)
217	04/03/2008	(618981)
218	04/03/2008	(619010)
219	04/07/2008	(638446)
220	04/07/2008	(640577)
221	04/09/2008	(636187)
222	04/09/2008	(637830)
223	04/17/2008	(671962)
224	04/24/2008	(641834)
225	05/08/2008	(646149)
226	05/09/2008	(654397)
227	05/13/2008	(689880)
228	05/14/2008	(646173)
229	05/14/2008	(646249)
230	05/14/2008	(646292)
231	05/23/2008	(640976)
232	05/28/2008	(679929)
233	06/03/2008	(641229)
234	06/03/2008	(680279)
235	06/13/2008	(653949)
236	06/16/2008	(689881)
237	06/18/2008	(654558)
238	06/23/2008	(433051)
239	07/08/2008	(683932)
240	07/09/2008	(683891)
241	07/09/2008	(689882)
242	07/18/2008	(680236)
243	07/20/2008	(686130)
244	07/22/2008	(686798)
245	08/01/2008	(683847)
246	08/02/2008	(686525)
247	08/08/2008	(689242)
248	08/11/2008	(710654)
249	08/19/2008	(689537)
250	09/26/2008	(710655)
251	10/13/2008	(710656)
252	11/03/2008	(710657)
253	11/25/2008	(704294)
254	11/25/2008	(707822)
255	11/25/2008	(708173)
256	12/08/2008	(709730)
257	12/08/2008	(709732)
258	12/15/2008	(721187)
259	12/30/2008	(707925)
260	01/15/2009	(709746)
261	01/22/2009	(683914)
262	01/23/2009	(723990)

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

1

Date: 03/30/2004 (332764)
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

2

Date: 03/31/2004 (295007)

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

3

Date: 04/26/2004 (264889)

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate and maintain units of conveyance of stormwater runoff by failure to maintain the conveyance ditch system to Outfall 003.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000

Description: Stormwater Control Structure E was observed to have suffered damage to the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall, and was hanging into the unit.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000

Description: Failure by Atofina to manage industrial wastes in accordance with applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to be positioned between DD7 North Lateral 1A monitoring well OWB #2.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT WQ 491-000

Description: The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.
The permittee was not able to furnish information regarding when the flow meter was last calibrated.

4

Date: 03/29/2005 (372850)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to maintain vent on ground storage tank.

5

Date: 11/30/2005 (468274)

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

6

Date: 01/31/2006 (468270)

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

- 7 **Date: 04/10/2006 (454251)**
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: PERMIT PC, 2g
Description: Failure by the permittee to contain contact storm water resulting in an unauthorized discharge.
- Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.
- Self Report? NO Classification: Minor
Rqmt Prov: PERMIT Opr, No. 1
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.
- 8 **Date: 05/31/2006 (461199)**
- 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.
- 9 **Date: 06/30/2006 (520109)**
- 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
- 10 **Date: 12/31/2006 (544370)**
- 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
- 11 **Date: 03/31/2007 (575103)**
- 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
- 12 **Date: 05/16/2007 (573950)**
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.
- 13 **Date: 05/16/2007 (652271)**
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

14 **Date: 08/10/2007 (652719)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES

15 **Date: 08/10/2007 (574318)**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Violated the maximum contaminant level for trihalomethanes during the second quarter of 2007.

16 **Date: 08/30/2007 (571169)**
 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)
 Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 7
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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: 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)
 Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 1A
 PERMIT 18936 and PSD-TX-762M2, SC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 18936 and PSD-TX-762M2, SC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 46396, SC 4
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 43109, SC 3A and B
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27

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

Rqmt Prov: PERMIT 56385, SC 3
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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

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)

Rqmt Prov: OP O-01267 SC 15A
OP O-01267, General Terms and Conditions
OP O-01267, SC 1A

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

Rqmt Prov: PERMIT 56385, SC 12L
OP O-01267, General Terms and Conditions
OP O-01267, SC 27

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)

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

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

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

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)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 OP O-01267, SC 1D
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 5694A, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 5694A, GC 8
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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)
 Rqmt Prov: PERMIT 8983A, SC 1
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 56385, SC 3
 OP O-01267, SC 27
 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)
 Rqmt Prov: PERMIT 9195A and PSD-TX-453M6, SC 5
 OP O-01267, General Terms and Conditions
 OP O-01267, SC 27
 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)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 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)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 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)
 Rqmt Prov: OP O-01267, General Terms and Conditions
 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 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: PERMIT 18936 and PSD-TX-762M2, GC 8
 OP O-01267, SC 27
 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

17

Date: 11/15/2007 (653101)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: TOTAL TRIHALOMETHANES

18

Date: 11/27/2007 (608889)
 Self Report? NO 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)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 20381, PSD-TX-1005, N-004, SC 7E
 OP O-02222, General Terms and Conditions
 OP O-02222, Special Condition 14
 OP O-02222, Special Condition 1A
 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: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 20381, PSD-TX-1005, N-044, SC 12
 OP O-02222, General Terms and Conditions
 OP O-02222, Special Condition 14
 Description: Failure to maintain emission rates below the allowable emission limits. MOD (2)(D), EIC B18
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 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)
 Rqmt Prov: PERMIT 20381, PSD-TX-1005, N-044, SC 21
 OP O-02222, General Terms and Conditions
 OP O-02222, Special Condition 14
 OP O-02222, Special Condition 1A

Description: Failure to submit a report within the required timeframes. MOD (3)C), EIC C3

19

Date: 02/06/2008 (616836)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)

Description: Failure to protect chlorination equipment and chlorine cylinders from adverse weather conditions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to have wires in conduit (exposed wires in the electrical panel).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)

Description: Failure to use NSF 60 nitrogen.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain an adequate chlorine residual.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to have a pressure gauge on the pressure tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to have an appropriate overflow flap on the ground storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)

Description: Failure to record the amount of chemicals used each week.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(5)

Description: Failure to repair leak on the valves near the ground storage tank.

20

Date: 02/08/2008 (652166)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: TOTAL TRIHALOMETHANES

21

Date: 02/14/2008 (679796)

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

22

Date: 03/05/2008 (614708)

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.

23

Date: 03/14/2008 (614391)

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT 18936 and PSD-TX-762M3

OP O-01267, Special Condition 27

Description: Failure to submit a stack test report within the required timeframe (60 days after sampling was completed). C3 Minor

24

Date: 03/31/2008 (671962)

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

25 **Date: 05/28/2008 (679929)**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT OpR 1
 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)
 Rqmt Prov: PERMIT OpR 1
 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)
 Rqmt Prov: PERMIT PC 2g
 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)
 Rqmt Prov: PERMIT EL&MR 1, p2c
 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.

26 **Date: 05/31/2008 (689881)**
 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

27 **Date: 06/06/2008 (641229)**
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: PERMIT 2347, Special Condition 10E
 OP O-01267, Special Condition 27
 Description: Failure to submit stack test report within applicable deadline (60 days after sampling was completed).

28 **Date: 08/19/2008 (689537)**
 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)
 Rqmt Prov: OP General Terms and Conditions
 Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.

29 **Date: 09/30/2008 (710656)**
 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

30 **Date: 01/22/2009 (683914)**
 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)
 Rqmt Prov: PERMIT Special Condition 1
 OP Special Condition 27
 PERMIT Special Condition 8
 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)		
Rqmt Prov:	PERMIT Special Condition 1 OP Special Condition 27		
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)		
Rqmt Prov:	PERMIT General Condition 8 OP Special Condition 27 PERMIT Special Condition 3		
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)		
Rqmt Prov:	PERMIT General Condition 8 OP Special Condition 27		
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)		
Rqmt Prov:	PERMIT Special Condition 1 OP Special Condition 27 PERMIT Special Condition 3		
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)		
Rqmt Prov:	PERMIT General Condition 8 OP Special Condition 27		
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)		
Rqmt Prov:	OP Special Condition 27 PERMIT Special Condition 6		
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)		
Rqmt Prov:	PERMIT Special Condition 2 OP Special Condition 27		
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)		

Rqmt Prov: PERMIT Special Condition 1
 OP Special Condition 27
 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)

Rqmt Prov: OP Special Condition 27
 PERMIT Special Condition 5
 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)

Rqmt Prov: OP Special Condition 27
 PERMIT Special Condition 9
 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)

Rqmt Prov: PERMIT Special Condition 1
 OP Special Condition 27
 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)

Rqmt Prov: OP Special Condition 27
 PERMIT Special Condition 4
 PERMIT Special Condition 9
 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)

Rqmt Prov: OP Special Condition 27
 PERMIT Special Condition 5.B
 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)

Rqmt Prov: PERMIT General Condition 8
 OP Special Condition 27
 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)

Rqmt Prov: OP Special Condition 27
 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)

Rqmt Prov: PERMIT Special Condition 23
OP Special Condition 27

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)

Rqmt Prov: PERMIT Permit By Rule (PBR) project 51314
OP Special Condition 27
PERMIT Special Condition 4

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)

Rqmt Prov: OP Special Condition 27
PERMIT Special Condition 3

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)

Rqmt Prov: PERMIT Special Condition 19
OP Special Condition 27

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)

Rqmt Prov: PERMIT Special Condition 10
PERMIT Special Condition 11
OP Special Condition 27

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)

Rqmt Prov: PERMIT Special Condition 18
OP Special Condition 27

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)

Rqmt Prov: PERMIT Special Condition 1
OP Special Condition 27

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)

Rqmt Prov: OP Special Condition 1A

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)

Rqmt Prov: OP Special Condition 1A

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)

Rqmt Prov: OP General Terms and Conditions
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)

Rqmt Prov: PERMIT Special Condition 13
PERMIT Special Condition 14
OP Special Condition 27

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)

Rqmt Prov: OP Special Condition 1A

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)

Rqmt Prov: PERMIT General Condition 8
OP Special Condition 27

Description: Failure to maintain allowable emissions rates.

F. Environmental audits.

Notice of Intent Date: 11/14/2008 (721343)
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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2009-0131-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Respondent owns and operates a petroleum refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of one hundred thirty thousand five hundred seventy-five dollars (\$130,575.00) is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, sixty-five thousand two hundred eighty-seven dollars (\$65,287.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory

completion of all provisions of the SEP Agreement as determined by the Executive Director.

Respondent paid sixty-five thousand two hundred eighty-eight dollars (\$65,288.00) of the administrative penalty.

6. 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.
7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Respondent implemented the following corrective measures at the Plant:
 - a. Provided information to the TCEQ on January 22, 2009 confirming permit compliance of combustion sources 17REFREGEN, 22BZNTKFLR, 45DOCKFLR2, 51DHT1H-3, and 52DHT2H-2A during calendar years 2007 and 2008. (Allegation 1.b.).
 - b. Completed repairs to the feedback control arm on valve 601, the main air control valve to the blower in SRU-1 on December 3, 2008. (Allegation 2.b.).
 - c. Implemented a per-submittal peer review of all final reports prior to submittal to TCEQ on December 3, 2008. (Allegation 2.a.).
 - d. Submitted a permit application to the TCEQ for tanks 22TANK0482, 22TANK0516, 22TANK0530, 22TANK0906, 22TANK0907, and 20TANK2000 on October 19, 2009. The permit application is currently under review by the TCEQ. (Allegation 1.a.).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. During a record review conducted on September 8 through 11, 2008, a TCEQ Beaumont Regional Office investigator documented that Respondent violated:

- a. 30 TEX. ADMIN. CODE §§ 106.6(b), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 1267, Special Condition ("SC") No. 27, and Air Permit Nos. 35329, 43981, 49982, 56735, 72930, and 74505, SC No. 1, and 46396, General Terms and Conditions ("GTC") No. 8 and SC No.1, by failing to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 6 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0906 by 0.65 ton, 22TANK0907 by 0.65 ton, and 20TANK2000 by 0.1 ton; and
 - b. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 1267, SC No. 27, and Air Permit No. 18936, SC Nos. 1 and 8, by failing to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide ("CO"), 17REFREGEN by 0.8 ton for hydrogen chloride ("HCl"), 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, and 52DHT2H-2A by 3.83 tons for NOx.
2. During an investigation conducted on January 16, 2009, a TCEQ Beaumont Regional Office investigator documented that Respondent violated:
- a. 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D), (b)(1)(G) and (b)(1)(H), and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), and FOP No. 1267, GTC and SC No. 2F, by failing to properly report an emissions event. Specifically, Respondent did not submit an accurate final report for Incident No. 115548, which occurred on October 16, 2008. Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released; and
 - b. 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE 382.085(b), FOP No. 1267, GTC, and SC No. 26, and Air Permit Nos. 54026, SC No. 1, and 9195A, SC No. 1, by failing to prevent unauthorized emissions during incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit ("SRU") (15SRUINCIN) occurred October 16, 2008, releasing 37,937.78 pounds ("lbs") of sulfur dioxide ("SO₂") and 362.12 lbs of hydrogen sulfide ("H₂S") for a period of thirty hours. The TCEQ determined that this event was not adequately reported.
3. Respondent received notice of the violations in Allegation Nos. 1.a and 1.b on about January 27, 2009. Respondent received notice of the violations in Allegation Nos. 2.a and 2.b on about February 24, 2009.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and 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 considering or requiring corrective action or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 5, above. The amount of sixty-five thousand two hundred eighty-seven dollars (\$65,287.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment. Checks shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC.; Docket No. 2009-0131-AIR-E to:

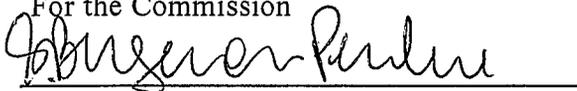
Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon Respondent.
5. If Respondent 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against 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.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



3/16/2011

For the Executive Director

Date

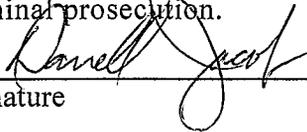
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of TOTAL PETROCHEMICALS USA, INC., and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Signature



Date

12/16/2010

Darrell Jacob

Refinery Manager

Name (printed or typed)

Title-

Authorized Representative

TOTAL PETROCHEMICALS USA, INC.

Attachment A
Docket Number: 2009-0131-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.

Penalty Amount: One hundred thirty thousand five hundred seventy-five dollars (\$130,575)

Total SEP Offset Amount: Sixty-five thousand two hundred eighty-seven dollars (\$65,287)

- **Project 1:**
 - SEP Offset Amount:** Thirty-two thousand six hundred forty-four dollars (\$32,644)
 - Third Party Recipient:** **Texas Association of Resource Conservation & Development *Clean School Buses***
 - Type of SEP:** Pre-approved contribution
 - Location of SEP:** Texas Air Quality Control Region 106 – Southeast Texas
- **Project 2:**
 - SEP Offset Amount:** Thirty-two thousand six hundred forty-three dollars (\$32,643)
 - Third Party Recipient:** **Southeast Texas Regional Planning Commission *West Port Arthur Home Energy Efficiency Program***
 - Type of SEP:** Pre-approved contribution
 - 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 Respondent to contribute to two (2) Supplemental Environmental Projects (“SEP”). The total offset amount is equal to the two SEP offset amounts described above, and offset is conditioned upon completion of each SEP in accordance with the terms of this Attachment A.

1. Project Descriptions

A. Project Information

Project 1 – Clean School Buses

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas Association of RC&D** to be used for the *Clean School Buses* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new cleaner technology. RC&D shall disburse SEP Funds to school districts, area transit agencies, or local governments on a needs-rated basis, using non-attainment area status, condition of buses, or economic status of recipient as possible rating factors if competition for funds exists. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

Project 2 – West Port Arthur Home Energy Efficiency Program

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *West Port Arthur Home Energy Efficiency Program* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. The Third-Party Recipient shall use SEP Funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; 3) repairing or replacing heating/cooling systems and major appliances with new, energy efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Third-Party Recipient shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP Funds.

B. Environmental Benefit

Project 1 – Clean School Buses

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing particulate matter (PM), and the ozone precursors NOx and hydrocarbon (HC), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Protection Agency (EPA), a model year 2007 bus will be 90% cleaner in terms of particulate matter emissions than a model year 2004 bus. New HC and NOx standards phased in between 2007 and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants. This SEP will provide a discernible environmental benefit by reducing exposure of children and other bus passengers to harmful air pollutants.

Project 2 – West Port Arthur Home Energy Efficiency Program

This SEP will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

Project 1 – Clean School Buses

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

Texas RC&D
Attention: Mickey Reynolds, President
1716 Briarcrest Drive Suite 507
Bryan, Texas 77802-2700

Project 2 – West Port Arthur Home Energy Efficiency Program

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental Resources
Attention: SEP - West Port Arthur Home Energy Project
South East Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont, TX 77703

3. Records and Reporting

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

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent fails to perform its obligations under this SEP in any way, including full payment of the Total SEP Offset Amount and submittal of the required reporting as described in paragraph 3 above, the Executive Director may require immediate payment of all or part of the Total SEP Offset Amount.

In the event of incomplete performance, Respondent shall submit a check for any remaining amount due, made payable to "Texas Commission on Environmental Quality," with the notation "SEP Refund," and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning these SEPs made by or on behalf of Respondent must include a clear statement that the projects were 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

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

7. Other SEPs by TCEQ or Other Agencies

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