

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2010-1318-AIR-E **TCEQ ID:** RN100216977 **CASE NO.:** 40195
RESPONDENT NAME: BASF FINA Petrochemicals Limited Partnership

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: BASF FINA NAFTA Region Olefins Complex, 2700 Highway 366, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 21, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Mr. Raymond Marlow, P.E., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Christopher Witte, General Manager, BASF FINA Petrochemicals Limited Partnership, P.O. Box 2506, Port Arthur, Texas 77643-3737 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 19, 2010</p> <p>Date of NOV/NOE Relating to this Case: July 14, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to have an approved Stage II vapor recovery system on a stationary storage container from which gasoline was being transferred into motor vehicle fuel tanks. Specifically, as referenced in the September 1, 2009 to February 28, 2010 deviation report, the Respondent failed to comply with the Stage II regulations [30 TEX. ADMIN. CODE §§ 115.241 and 122.143(4), Federal Operating Permit ("FOP") No. O-02551, General Terms and Conditions ("GTC") and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to maintain compliance with the permitted hourly nitrous oxide ("NOx") limit of 26.47 pounds per hour ("lbs/hr") for the Cogeneration Train Unit 2, (EPN N-20B). Specifically, between November 22, 2009 through November 23, 2009 the NOx permitted hourly limit was exceeded by an average of 17.67 lbs/hr, resulting in 159.04 lbs of NOx being released over the 8-hour period [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-02551, GTC, and Special Condition ("SC") No. 11A, Air Permit Nos. 36644, PSD-TX-903M2, and N-007M1, SC No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to maintain compliance with the hourly NOx and carbon monoxide ("CO") limits of 12.19 lbs/hr and 17.06 lbs/hr, respectively, for the Fresh Feed</p>	<p>Total Assessed: \$61,450</p> <p>Total Deferred: \$12,290 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$24,580</p> <p>Total Paid to General Revenue: \$24,580</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</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 the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On April 30, 2010, upgraded the continuous emission monitoring system ("CEMS") for the Cogeneration Train Unit 2 Emission Point Number ("EPN") N-20B, and trained the appropriate personnel operating the Cogeneration Train Unit 2; and</p> <p>b. On April 30, 2010, upgraded the CEMS for the Fresh Feed Cracking Furnace H-900 (EPN N-9), and trained the appropriate personnel operating the Cracking Furnace H-900.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease the transfer of gasoline into motor vehicle fuel tanks from stationary storage containers that are not equipped with an approved Stage II vapor recovery system; and</p> <p>b. Within 30 days after the effective date of this Agreed Order, install and begin maintaining all Stage II equipment and records or permanently remove from service the existing stationary storage containers from service; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2a. and 2b.</p>

<p>Cracking Furnace H-900 (EPN N-9). Specifically, on November 25, 2009 and on January 19, 2010, the permitted CO hourly limit was exceeded and on February 24, 2010, the permitted NOx hourly limit was exceeded, resulting in the release of 10.03 lbs of CO and 4.82 lbs of NOx [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-02551, GTC, and SC No. 11A, Air Permit Nos. 36644, PSD-TX-903M2, and N-007M1, SC No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): Air Account JE0843F

Attachment A
Docket Number: 2010-1318-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **BASF FINA Petrochemicals Limited Partnership**

Penalty Amount: **Forty-Nine Thousand One Hundred Sixty Dollars (\$49,160)**

SEP Offset Amount: **Twenty-Four Thousand Five Hundred Eighty Dollars (\$24,580)**

Type of SEP: **Pre-Approved**

Third-Party Recipient: **Texas Air Quality Research Center at Lamar University – *Flare Speciation and Air Quality Modeling***

Location of SEP: **Jefferson County**

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to ***Texas Air Quality Research Center at Lamar University*** for the ***Flare Speciation and Air Quality Modeling*** project to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for advanced modeling and simulations to identify the VOC species generated and emitted from industrial flares at chemical process facilities under various operating conditions and environmental conditions as well as determine the Combustion Efficiency (CE) and Destruction and Removal Efficiency (DRE). All monies 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.

B. Environmental Benefit

A flare operating under its designed conditions and in compliance with 40 C.F.R. § 60.18 is assumed to achieve a 98% DRE for Volatile Organic Compound (VOC) emissions, i.e. 98% of VOC emissions are assumed to be completely destroyed in the flaring process; however, basic combustion chemistry demonstrates the possibility that intermediate VOC species are formed during the combustion process, and these speciated VOC emissions are not accounted for in the DRE. This SEP will provide a discernible environmental benefit by providing better quantification of actual emissions from flaring operations and provide TCEQ with a more accurate emissions inventory, which may be utilized in SIP documentation. This information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Air Research Center
Lamar University
Attention: George Talbert, Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	19-Jul-2010	Screening	30-Jul-2010	EPA Due	15-Apr-2010
	PCW	5-Oct-2010				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	40195	No. of Violations	3
Docket No.	2010-1318-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow
		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** **\$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **318.0%** Enhancement **Subtotals 2, 3, & 7** **\$47,700**

Notes: Enhancement for 13 same/similar NOVs, 16 dissimilar NOVs, ten agreed orders with a denial of liability, and one agreed order without a denial of liability. Reduction for two notices of intended audits and one disclosure of violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$1,250**

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

Total EB Amounts **\$1,016**
 Approx. Cost of Compliance **\$40,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$61,450**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$61,450**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$61,450**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$12,290**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$49,160**

Screening Date 30-Jul-2010

Docket No. 2010-1318-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 40195

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	13	65%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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>)	2	-2%
	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>)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 318%

>> **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

Enhancement for 13 same/similar NOVs, 16 dissimilar NOVs, ten agreed orders with a denial of liability, and one agreed order without a denial of liability. Reduction for two notices of intended audits and one disclosure of violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 318%

Screening Date 30-Jul-2010

Docket No. 2010-1318-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 40195

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 115.241 and 122.143(4), Federal Operating Permit ("FOP") No. O-02551, General Terms and Conditions ("GTC") and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to have an approved Stage II vapor recovery system on a stationary storage container from which gasoline was being transferred into motor vehicle fuel tanks. Specifically, as referenced in the September 1, 2009 to February 28, 2010 deviation report, the Respondent failed to comply with the Stage II regulations.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

180 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Two quarterly events are recommended based on the violation occurring between September 1, 2009 through February 28, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$224

Violation Final Penalty Total \$41,800

This violation Final Assessed Penalty (adjusted for limits) \$41,800

Economic Benefit Worksheet

Respondent BASF FINA Petrochemicals Limited Partnership
Case ID No. 40195
Reg. Ent. Reference No. RN100216977
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
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-Sep-2009	28-Feb-2011	1.49	\$224	n/a	\$224

Notes for DELAYED costs

Estimated cost to remove the tank from service. The date required is the earliest date of the violation. The final date is the date that corrective action is expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$224

Screening Date 30-Jul-2010

Docket No. 2010-1318-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 40195

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-02551, GTC, and Special Condition ("SC") No. 11A, Air Permit Nos. 36644, PSD-TX-903M2, and N-007M1, SC No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain compliance with the permitted hourly nitrous oxide ("NOx") limit of 26.47 pounds per hour ("lbs/hr") for the Cogeneration Train Unit 2, Emission Point Number ("EPN") N-20B. Specifically, between November 22, 2009 through November 23, 2009 the NOx permitted hourly limit was exceeded by an average of 17.67 lbs/hr, resulting in 159.04 lbs of NOx being released over the 8-hour period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the exceedences that occurred between November 22 and 23, 2009.

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 The Respondent achieved compliance on April 30, 2010, prior to the July 14, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,111 Violation Final Penalty Total \$9,825

This violation Final Assessed Penalty (adjusted for limits) \$9,825

Economic Benefit Worksheet

Respondent BASF FINA Petrochemicals Limited Partnership
Case ID No. 40195
Reg. Ent. Reference No. RN100216977
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$35,000	22-Nov-2009	30-Apr-2010	0.44	\$51	\$1,016	\$1,067
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	22-Nov-2009	30-Apr-2010	0.44	\$44	n/a	\$44
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 upgrade the continuous emission monitoring system ("CEMS") (\$35,000) and train the appropriate personnel (\$2,000). The date required is the earliest date of noncompliance. The final date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$37,000	TOTAL	\$1,111
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Screening Date 30-Jul-2010

Docket No. 2010-1318-AIR-E

PCW

Respondent BASF FINA Petrochemicals Limited Partnership

Policy Revision 2 (September 2002)

Case ID No. 40195

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-02551, GTC, and SC No. 11A, Air Permit Nos. 36644, PSD-TX-903M2, and N-007M1, SC No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain compliance with the permitted hourly NOx and carbon monoxide ("CO") limits of 12.19 lbs/hr and 17.06 lbs/hr, respectively, for the Fresh Feed Cracking Furnace H-900 (EPN N-9). Specifically, on November 25, 2009 and on January 19, 2010, the permitted CO hourly limit was exceeded and on February 24, 2010, the permitted NOx hourly limit was exceeded, resulting in the release of 10.03 lbs of CO and 4.82 lbs of NOx.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based the exceedences that occurred between November 25, 2009 through February 24, 2010.

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

The Respondent achieved compliance on April 30, 2010, prior to the July 14, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,825

This violation Final Assessed Penalty (adjusted for limits) \$9,825

Economic Benefit Worksheet

Respondent BASF FINA Petrochemicals Limited Partnership
Case ID No. 40195
Req. Ent. Reference No. RN100216977
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				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

The economic benefit for this violation is included in that for violation No. 2 since corrective actions are the same.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600128912 BASF FINA Petrochemicals Limited Partnership Classification: AVERAGE Rating: 8.53

Regulated Entity: RN100216977 BASF FINA NAFTA REGION OLEFINS COMPLEX Classification: AVERAGE Site Rating: 14.06

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2551
	AIR OPERATING PERMITS	PERMIT	2629
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS	PERMIT	2629
	AIR OPERATING PERMITS	PERMIT	2965
	AIR OPERATING PERMITS	PERMIT	3015
	WASTEWATER	PERMIT	WQ0004135000
	WASTEWATER	EPA ID	TX0119369
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXR000039909
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	86596
	AIR NEW SOURCE PERMITS	AFS NUM	4824500182
	AIR NEW SOURCE PERMITS	REGISTRATION	81534
	AIR NEW SOURCE PERMITS	REGISTRATION	92636
	AIR NEW SOURCE PERMITS	REGISTRATION	93132
	AIR NEW SOURCE PERMITS	REGISTRATION	92797
	AIR NEW SOURCE PERMITS	PERMIT	36644
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0843F
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX950
	AIR NEW SOURCE PERMITS	PERMIT	41945
	AIR NEW SOURCE PERMITS	PERMIT	N007
	AIR NEW SOURCE PERMITS	PERMIT	N018
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903
	AIR NEW SOURCE PERMITS	PERMIT	N007M1
	AIR NEW SOURCE PERMITS	REGISTRATION	76480
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M2
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M1
	AIR NEW SOURCE PERMITS	REGISTRATION	79052
	AIR NEW SOURCE PERMITS	REGISTRATION	91890
	AIR NEW SOURCE PERMITS	REGISTRATION	81533
	AIR NEW SOURCE PERMITS	REGISTRATION	82105
	AIR NEW SOURCE PERMITS	REGISTRATION	81912
	AIR NEW SOURCE PERMITS	REGISTRATION	87434
	AIR NEW SOURCE PERMITS	REGISTRATION	87636

AIR NEW SOURCE PERMITS	REGISTRATION	90114
AIR NEW SOURCE PERMITS	REGISTRATION	86818
AIR NEW SOURCE PERMITS	REGISTRATION	89672
AIR NEW SOURCE PERMITS	REGISTRATION	91504
AIR NEW SOURCE PERMITS	REGISTRATION	89296
AIR NEW SOURCE PERMITS	REGISTRATION	83457
AIR NEW SOURCE PERMITS	REGISTRATION	83454
AIR NEW SOURCE PERMITS	EPA ID	PSDTX903M3
AIR NEW SOURCE PERMITS	REGISTRATION	84227
AIR NEW SOURCE PERMITS	EPA ID	N018M1
AIR NEW SOURCE PERMITS	REGISTRATION	90113
AIR NEW SOURCE PERMITS	REGISTRATION	87625
AIR NEW SOURCE PERMITS	REGISTRATION	86080
AIR NEW SOURCE PERMITS	REGISTRATION	87474
AIR NEW SOURCE PERMITS	REGISTRATION	91754
AIR NEW SOURCE PERMITS	REGISTRATION	92891
AIR NEW SOURCE PERMITS	REGISTRATION	87753
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0843F

Location: 2700 Highway 366, Port Arthur, Jefferson County, Texas

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 30, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 19, 2005 to July 19, 2010

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

Name: Raymond Marlow, P.G. Phone: (409) 899-8785

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator?
 - SABINA PETROCHEMICALS LLC
 - BASF FINA Petrochemicals Limited Partnership
4. If Yes, who was/were the prior owner(s)/operator(s)? BASF Corporation
5. When did the change(s) in owner or operator occur? 08/14/2008
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 10/19/2006

ADMINORDER 2005-0456-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failure to maintain Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the Low Pressure Flare (EPN P-6). Incident 38861

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43641.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43644.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43650.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7).

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38858
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38860
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 56392

Effective Date: 06/05/2008

ADMINORDER 2007-1481-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions. A8c2Aii

Effective Date: 09/22/2008

ADMINORDER 2008-0095-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: O-02629 OP

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

Classification: Moderate

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

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

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

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

Effective Date: 11/17/2008

ADMINORDER 2008-0575-AIR-E

Classification: Moderate

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

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

Description: Failed to comply with the hourly maximum allowable emission rate ("MAER") for CO for Heaters H-400, H-600, H-700, H-800, H-6101, and H-6102 from May 2, 2005 through October 16, 2006. (A8c2Aii)

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to send the spent caustic and the corrugated plate interceptor/induced gas flotation ("CPI/IGF") streams to the carbon adsorption system during periods that the thermal oxidizer was not

operating on nine separate days from March 1 to November 28, 2006. Specifically, the failure occurred on the following dates: March 1 for six hours, March 8 for one hour, March 21 for six hours, May 28 for two hours, June 16 for 10 minutes, August 13 for an unknown amount of time, October 14 for . . . A12i6

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 36644, PDS-TX-903, N-007 PERMIT
GTC, STC No. 12 OP

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart FF 61.355(a)(1)(i)
40 CFR Part 61, Subpart FF 61.355(a)(4)(i)
40 CFR Part 61, Subpart FF 61.355(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

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

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

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

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

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

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

Effective Date: 12/20/2008

ADMINORDER 2006-1578-AIR-E

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(2)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)

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

Rqmt Prov: O-01877 PERMIT

Description: Failed to submit annual compliance certifications within 30 days after the end of the March 1, 2004 to February 28, 2005 and March 1, 2005 to February 28, 2006 certification periods and failed to report all deviations on the annual compliance certification report.

Classification: Moderate

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

Rqmt Prov: 26644, PSD-TX-903, and N-007, SC 16B PERMIT
36644 / PSD-TX-903 / N-007 PERMIT
36644, PSD-TX-903, and N-007, SC 16A PERMIT
O-01877 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Major

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

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

Effective Date: 12/20/2008

ADMINORDER 2005-1862-AIR-E

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.355(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 36644, PSD-TX-903 PERMIT
Description: Failed to follow 40 CFR § 60, Appendix A, Method 21 when conducting fugitive emission monitoring.

Effective Date: 01/30/2009 ADMINORDER 2008-1021-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 41945/PSD-TX-950, Special Condition 1 PERMIT
O-02629 OP
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/23/2009 ADMINORDER 2009-0140-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1, PSD-TX-950, N-018 OP
Special Condition 8 PERMIT
Description: Failed to maintain an emission rate below the Maximum Allowable Emission Rate Table ("MAERT") limit. Specifically, on March 12, 2008, the NOx MAERT limit of 1.8 pounds per hour ("lbs/hr") was exceeded for a period of nine hours and ranged between 2.9 lbs/hr and 3.7 lbs/hr at the C4 Boiler (Emission Point Number: BLR).

Effective Date: 08/31/2009 ADMINORDER 2009-0316-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1/PSD-TX-903 PERMIT
Special Condition 12 PERMIT
Description: Failed to maintain an emission rate below the allowable limit for NOx at Heaters H-0300 [Emission Point No. ("EPN") N-3], H-0400 (EPN N-4), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1/PSD-TX-903 PERMIT
Special Condition 12 OP
Description: Failed to maintain an emission rate below the allowable limit for CO at Heaters H-0100 (EPN N-1), H-0200 (EPN N-2), H-0300 (EPN N-3), H-0400 (EPN N-4), H-0500 (EPN N-5), H-0600 (EPN N-6), H-0700 (EPN N-7), and H-0800 (EPN N-8)

Effective Date: 10/31/2009

ADMINORDER 2009-0750-AIR-E

Classification: Moderate

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

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

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

Effective Date: 06/04/2010

ADMINORDER 2009-1852-AIR-E

Classification: Moderate

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

Rqmt Prov: 36644, Special Condition 21 PERMIT
Special Condition No. 1 OP
Special Condition No. 11 OP

Description: Failed to maintain compliance with the hourly nitrogen oxides ("NOx") maximum firing rate of 0.025 pounds per million British thermal units ("lbs/MMBtu") and the NOx emissions limit of 12.19 pounds per hour ("lbs/hr") for Heater H-0900.

Classification: Moderate

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

Rqmt Prov: 36644, Special Condition 30B PERMIT
O-03015, Special Terms and Conditions OP

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

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	07/27/2005	(393566)
2	08/10/2005	(399867)
3	08/12/2005	(379097)
4	08/12/2005	(402436)
5	08/23/2005	(447657)
6	08/24/2005	(287879)
7	08/31/2005	(285271)
8	09/01/2005	(447656)
9	09/19/2005	(447658)
10	10/21/2005	(492719)
11	11/10/2005	(435935)
12	11/28/2005	(492720)
13	12/09/2005	(436076)
14	12/16/2005	(437551)
15	12/21/2005	(492721)
16	01/24/2006	(492722)
17	01/27/2006	(450346)
18	02/22/2006	(492717)

19	02/27/2006	(439417)
20	02/27/2006	(453972)
21	03/22/2006	(492718)
22	03/30/2006	(460864)
23	03/30/2006	(461163)
24	03/30/2006	(461169)
25	04/19/2006	(506384)
26	05/12/2006	(460115)
27	05/16/2006	(465406)
28	05/22/2006	(465286)
29	05/23/2006	(461740)
30	05/23/2006	(506385)
31	06/08/2006	(337298)
32	06/08/2006	(465332)
33	06/19/2006	(506386)
34	07/21/2006	(528616)
35	08/21/2006	(528617)
36	08/22/2006	(461611)
37	08/22/2006	(487941)
38	08/29/2006	(510272)
39	09/18/2006	(489929)
40	09/18/2006	(489930)
41	09/18/2006	(508808)
42	09/26/2006	(512738)
43	09/26/2006	(528618)
44	09/26/2006	(528619)
45	10/10/2006	(509369)
46	11/03/2006	(512514)
47	11/21/2006	(551921)
48	11/21/2006	(551922)
49	12/15/2006	(551923)
50	12/20/2006	(398261)
51	12/20/2006	(533392)
52	01/22/2007	(589231)
53	01/31/2007	(537305)
54	02/08/2007	(537506)
55	02/09/2007	(539274)
56	03/19/2007	(589227)
57	03/19/2007	(589228)
58	05/14/2007	(589229)
59	05/21/2007	(559168)
60	05/21/2007	(559801)
61	06/21/2007	(589230)
62	07/23/2007	(605777)
63	07/31/2007	(538827)
64	08/16/2007	(557840)
65	08/20/2007	(519464)
66	08/23/2007	(605778)
67	08/24/2007	(567435)
68	08/28/2007	(571955)
69	09/14/2007	(568320)
70	09/14/2007	(568498)
71	09/24/2007	(605776)
72	09/24/2007	(605779)
73	09/24/2007	(605780)
74	10/05/2007	(571498)
75	10/05/2007	(571538)
76	10/11/2007	(572093)
77	10/12/2007	(572320)
78	10/12/2007	(572490)
79	10/12/2007	(572737)

80	10/12/2007	(572746)
81	10/12/2007	(572823)
82	10/30/2007	(515193)
83	11/12/2007	(598216)
84	11/12/2007	(598249)
85	11/16/2007	(600519)
86	11/26/2007	(696084)
87	11/29/2007	(601118)
88	12/17/2007	(609075)
89	12/20/2007	(631699)
90	01/03/2008	(600699)
91	01/18/2008	(631700)
92	02/12/2008	(612301)
93	02/27/2008	(615308)
94	02/28/2008	(636328)
95	03/20/2008	(677383)
96	03/26/2008	(618828)
97	03/26/2008	(636406)
98	03/31/2008	(639376)
99	04/03/2008	(618788)
100	04/03/2008	(618810)
101	04/03/2008	(637173)
102	04/18/2008	(677384)
103	05/07/2008	(639841)
104	05/20/2008	(696081)
105	05/23/2008	(646260)
106	06/09/2008	(669807)
107	06/10/2008	(641519)
108	06/10/2008	(646565)
109	06/12/2008	(654391)
110	06/14/2008	(682556)
111	06/18/2008	(680217)
112	06/18/2008	(680261)
113	06/20/2008	(696082)
114	06/27/2008	(684500)
115	07/11/2008	(696083)
116	07/14/2008	(686123)
117	07/16/2008	(680169)
118	07/16/2008	(681112)
119	07/16/2008	(683107)
120	08/18/2008	(717732)
121	08/20/2008	(683987)
122	08/20/2008	(684511)
123	08/25/2008	(688565)
124	09/04/2008	(688139)
125	09/07/2008	(688218)
126	09/09/2008	(687790)
127	09/09/2008	(689602)
128	09/18/2008	(717733)
129	10/06/2008	(689179)
130	10/06/2008	(689227)
131	10/06/2008	(689470)
132	10/08/2008	(699637)
133	10/16/2008	(717734)
134	10/23/2008	(699846)
135	10/27/2008	(706451)
136	11/19/2008	(733057)
137	11/24/2008	(707931)
138	12/08/2008	(709755)
139	12/18/2008	(733058)
140	12/23/2008	(707971)

141	01/08/2009	(733059)
142	01/15/2009	(708306)
143	01/19/2009	(733056)
144	01/28/2009	(708057)
145	01/28/2009	(721989)
146	02/04/2009	(725405)
147	02/04/2009	(725739)
148	02/11/2009	(720907)
149	02/25/2009	(724544)
150	03/10/2009	(737066)
151	03/19/2009	(756227)
152	03/23/2009	(735846)
153	03/24/2009	(737450)
154	04/16/2009	(756228)
155	04/17/2009	(742886)
156	05/12/2009	(741664)
157	05/14/2009	(737847)
158	05/20/2009	(773206)
159	06/04/2009	(738245)
160	06/15/2009	(773207)
161	07/10/2009	(747881)
162	07/16/2009	(749656)
163	07/17/2009	(819779)
164	08/20/2009	(819780)
165	08/24/2009	(762543)
166	09/18/2009	(819781)
167	09/24/2009	(762608)
168	09/28/2009	(764587)
169	09/28/2009	(777612)
170	10/01/2009	(764402)
171	10/01/2009	(764441)
172	10/05/2009	(765783)
173	10/14/2009	(777141)
174	10/14/2009	(819782)
175	10/22/2009	(765935)
176	10/22/2009	(766317)
177	10/26/2009	(766609)
178	10/26/2009	(766754)
179	10/28/2009	(778753)
180	10/30/2009	(766806)
181	11/09/2009	(778734)
182	11/16/2009	(782133)
183	11/20/2009	(819783)
184	12/15/2009	(819784)
185	12/21/2009	(781746)
186	12/22/2009	(781804)
187	01/11/2010	(787273)
188	01/18/2010	(819785)
189	01/28/2010	(786723)
190	02/01/2010	(786196)
191	02/18/2010	(819778)
192	02/24/2010	(789841)
193	02/26/2010	(793152)
194	02/26/2010	(793216)
195	03/15/2010	(786185)
196	03/18/2010	(836177)
197	03/19/2010	(790121)
198	04/12/2010	(793555)
199	04/19/2010	(836178)
200	05/05/2010	(761162)
201	05/19/2010	(836179)

202 06/08/2010 (826288)
203 06/09/2010 (801439)
204 06/16/2010 (826135)
205 06/18/2010 (801387)
206 07/02/2010 (827654)
207 07/14/2010 (798710)

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

Date: 05/12/2006 (460115) **Note:** Violation due to a smoking flare.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)
41945/PSD-TX-950/N-018, SC 13C PERMIT
41945/PSD-TX-950/N-018, SC 2A PERMIT
41945/PSD-TX-950/N-018, SC 2D PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7.

Date: 08/17/2007 (557840)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644 / PSD-TX-903 / N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01877 OP
Description: Failure to maintain an emission rate below the allowable limit for Nitrogen Oxides (NOx) and Carbon Monoxide (CO) at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644 / PSD-TX-903 / N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644 / PSD-TX-903 / N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644 / PSD-TX-903 / N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01877 OP

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

Co-generation Unit 1.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 08/20/2007 (519464)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 lbs/MMBtu for NOx for the C4 Boiler. **B13**

Self Report? NO Classification: Moderate

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

Description: **Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 6 parts per million by volume (ppmv) of NOx. B13**

Self Report? NO Classification: Moderate

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

Description: **Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 100 parts per million by volume (ppmv) of CO. B13**

Self Report? NO Classification: Moderate

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

Description: **Failure to maintain an emission rate below the allowable limit for NOx at C4 Boiler,**

EPN BLR. B13

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
41945, PSD-TX-950, N-018 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to maintain an emission rate below the allowable limit for CO at C4 Boiler,
EPN BLR. B13

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
41945, PSD-TX-950, N-018 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR,
from exceeding 5 ppmv of Ammonia (NH3) slip. B13

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6
41945, PSD-TX-950, N-018 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02629 PERMIT
Description: Failure to maintain five components with a cap, plug, second valve, or blind
flange. B19g1

Date: 08/28/2007 (572764)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, PDS-TX-903, N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02551 PERMIT
Description: Failure to prevent 61 open ended lines by not sealing the lines with a cap, plug,
second valve, or blind flange in the F-1 and F-4 Units. C10

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, PDS-TX-903, N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02551 PERMIT
Description: Failure to maintain compliance with the one hour firing rate permit limitations of
0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides
(NOx) for Heaters H-100, H-200, H-300, H-400, H-500, H-600, H-700, H-800, and
H6102. In addition, failure to maintain compliance with the one-hour firing rate
permit limitations of 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters
H-100, H-200, H-300, H-400, H-500, H-600, and H-700. B-13

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, PDS-TX-903, N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02551 PERMIT
Description: Failure to maintain compliance with pound per hour permit limits for Nitrogen
Oxides (NOx) for Heaters H-200, H-600, and H-700. B-13

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

30 TAC Chapter 122, SubChapter B 122.143(4)
36644, PDS-TX-903, N-007 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-02551 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02551 PERMIT

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

Date: 08/31/2007 (605779)

Self Report? YES Classification: Moderate

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

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

Date: 10/11/2007 (572093)

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Date: 01/03/2008 (600986)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 41945, PSD-TX-950, N-018 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02629 OP
 Description: Failure to maintain compliance with the one-hour firing rate limitation of 0.007 pounds per million British thermal units (lbs/MMBtu) of Nitrogen Oxides (NOx) from the C4 Boiler, EPN: BLR.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 41945, PSD-TX-950, N-018 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02629 OP
 Description: **Failure to prevent emissions from exceeding 6 parts ppmv of NOx. on an hourly basis, from the C4 Boiler, EPN: BLR.**

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 41945, PSD-TX-950, N-018 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02629 OP
 Description: **Failure to maintain an emission rate below 1.8 pounds per hour (lbs/hr) of NOx from the C4 Boiler, EPN: BLR.**

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 41945, PSD-TX-950, N-018 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02629 OP
 Description: Failure to prevent open-ended line or valve without a cap, plug, second valve, or blind flange on 37 components in the C4 Unit.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 41945, PSD-TX-950, N-018 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02629 OP
 Description: Failure to conduct audio, olfactory, and visual checks for Ammonia (NH3) leaks within the operating area every 12 hours.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 41945, PSD-TX-950, N-018 PERMIT
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02629 OP
 Description: Failure to maintain records of pilot flame presence in addition to the flow and composition parameters during operation of the High Pressure (EPN: P-7) and Low Pressure (EPN: P-6) Flares.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.263
 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-02629 OP
 Description: Failure to provide records for the use of two portable carbon adsorption systems

(CAS) used in the C4 facility during the August 2007 turnaround.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-02629 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
41945 Special Condition 9F PERMIT
5C THSC Chapter 382 382.085(b)

O-02629 OP

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

Date: 02/27/2008 (617637)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903, Special Condition 14C PERMIT
5C THSC Chapter 382 382.085(b)
O-02551 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903, Special Condition 9 PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-02551 OP

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.355(1)

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 03/27/2008 (636406)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 06/10/2008 (646565)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M1, N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M1, N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M1, N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M1, N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Date: 07/17/2008 (681112)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
36644 Special Condition 32A PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
5C THSC Chapter 382 382.085(b)

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

Date: 07/17/2008 (683107)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 4A PERMIT

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
5C THSC Chapter 382 382.085(b)
O-02551 OP

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

Date: 09/09/2008 (687790)

Self Report? NO

Classification: Minor

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

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

Date: 09/09/2008 (689602)

Self Report? NO

Classification: Minor

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

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

Date: 10/24/2008 (699846)

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Moderate

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

Description: Failure to report all instances of deviations.

Self Report? NO

Classification: Moderate

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

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

Date: 10/31/2008 (733057)

Self Report? YES

Classification: Moderate

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

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

Date: 01/15/2009 (708306)

Self Report? NO

Classification: Moderate

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

Special Condition 8 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.144(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 3A OP
 Description: Failure to maintain records of daily flare observations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 19, PSD-TX-950, N-018 PERMIT
 Special Condition 8 OP

Description: Failure to maintain records of total sulfur for natural gas.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2F OP

Description: Failure to document a final record for a non-reportable incident within two weeks.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8 OP
 Special Conditions 9E and 27K, PSD-TX-95 PERMIT

Description: Failure to maintain records that included the actual time the weekly inspections were conducted.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8 PERMIT
 Special Condition 9E, PSD-TX-950, N-018 PERMIT

Description: Failure to monitor newly installed components.
 Date: 02/11/2009 (720907)

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

Description: Failure to prevent 48 open ended lines by not sealing the lines with a cap, plug, second valve, or blind flange in the F-1, F-4, and Pygas areas.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 Special Condition 21/PSD-TX-903 PERMIT

Description: Failure to maintain compliance with the one hour firing rate permit limitation of 0.08 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for Heaters, H-0200 through H-0700.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 OP

Special Condition 14C/PSD-TX-903 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 21/PSD-TX-903 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 17B/PSD-TX-903 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 14C/PSD-TX-903 PERMIT
Special Condition 3C OP

Description: **Failure to operate the flare in a smokeless manner.**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Condition 18D/PSD-TX-903 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 4B/PSD-TX-903 PERMIT

Description: Failure to monitor 219 components in VOC service located in F-1 area.

Self Report? NO Classification: Moderate

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

Special Condition 12 OP
Special Condition 14B/PSD-TX-903 PERMIT
Description: Failure to comply with conditions of a permit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 21/PSD-TX-903 PERMIT

Description: Failure to maintain compliance with the one-hour firing rate permit limitations of 0.077 lbs/MMBTUs for CO, for Heaters, H-0400, H-600, H-0700, H-0800, and H-6101.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 32/PSD-TX-903 PERMIT

Description: Failure to monitor for Carbon Monoxide, Oxides of Nitrogen, Sulfur Dioxide, and Oxygen on Heater 6101.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.116(e)(5)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Description: Failure to obtain authorization for tube changes to Heater H-0300, EPN: N-3.

Date: 05/14/2009 (737847)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX903/N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903/N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3644/PSD-TX-903/N-007 PERMIT
5C THSC Chapter 382 382.085(b)
O-01877 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)
O-01877 OP

Description: Failure to report all instances of deviations.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 07/31/2009 (819780)

Self Report? YES Classification: Moderate

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

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

Date: 09/30/2009 (819782)

Self Report? YES Classification: Moderate

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

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

Date: 11/30/2009 (819784)

Self Report? YES Classification: Moderate

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

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

Date: 12/22/2009 (781804)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
41945/PSD-TX-950, Special Condition 20D PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
41945/PSD-TX-950, Special Condition 13C PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: Failure to maintain continuous monitoring records of the pilot flame to the Low Pressure Flare (EPN: P-6).

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
41945/PSD-TX-950, Special Condition 13E PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: Failure to maintain continuous monitoring records of the vent stream flow and composition to the Low Pressure Flare (EPN: P-6).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
41945/PSD-TX-950, Special Condition 13B PERMIT
41945/PSD-TX-950, Special Condition 2A PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: Failure to maintain a minimum net heating value of 300 BTU per standard cubic feet (scf) at the High Pressure Flare (EPN: P-7).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
41945/PSD-TX-950, Special Condition 13C PERMIT
41945/PSD-TX-950, Special Condition 2A PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: Failure to continuously monitor the pilot flame at the High Pressure Flare (EPN: P-7).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
41945/PSD-TX-950, Special Condition 13E PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: Failure to maintain continuous monitoring records of the vent stream flow and composition to the High Pressure Flare (EPN: P-7).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
41945/PSD-TX-950, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: **Failure to maintain the NH3 and Nitrogen Oxides (NOx) emission rates at the C4 Boiler below the allowable emission limits.**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
41945/PSD-TX-950, Special Condition 17 PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 8A OP

Description: Failure to comply with the permitted NOx concentration limit at the C4 Boiler.

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 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(a)(1)
41945/PSD-TX-950, Special Condition 2D PERMIT
41945/PSD-TX-950, Special Condition 9E PERMIT
5C THSC Chapter 382 382.085(b)
O-02629, General Terms and Conditions OP
O-02629, Special Condition 1A OP
O-02629, Special Condition 8A OP

Description: Failure to properly seal an open-ended line with a cap, plug, or blind flange.

Date: 12/31/2009 (819785)

Self Report? YES Classification: Moderate

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

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

Date: 01/31/2010 (819778)

Self Report? YES Classification: Moderate

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

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

Date: 02/24/2010 (789841)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 6A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at Boiler B-7280.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 6A OP

Description: Failure to comply with the permitted NOx lbs/MMBTU limit at Boiler B-7280.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 6A OP

Description: Failure to maintain the Ammonia (NH3) emission rate at Boiler B-7280 (EPN: N-24A) below the allowable emission limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21E PERMIT
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 6A OP

Description: Failure to comply with the permitted NH3 concentration limit at Boiler B-7280.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 6A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at Boiler B-7290.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 6A OP

Description: Failure to comply with the permitted NOx lbs/MMBTU limit at Boiler B-7290.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
O-02965, General Terms and Conditions OP
O-02965, Special Condition 8 OP

Description: Failure to certify compliance with all terms and conditions of FOP O-02965 following initial permit issuance.

Date: 03/31/2010 (836178)

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

Date: 06/18/2010 (801387)

Self Report? NO Classification: Moderate
Citation: D&SPC 3(a) PERMIT
Description: Failure to comply with procedures for composite sampling.
Self Report? NO Classification: Moderate
Citation: EL&MR 1 PERMIT

Description: Failure to discharge effluent that complied with permit effluent limitations.

Self Report? NO Classification: Minor
Citation: EL&MR 1 PERMIT

Description: Failure by BASF to discharge effluent within permitted effluent limitations.

Self Report? NO Classification: Moderate
Citation: PC 2g PERMIT

Description: Failure to prevent an unauthorized discharge into or adjacent to the waters of the state.

Self Report? NO Classification: Minor
Citation: M&RR 3(c)(i and iii) PERMIT

Description: Failure by BASF to comply with records of monitoring activities requirements of the permit.

Self Report? NO Classification: Minor
Citation: M&RR 2 PERMIT

Description: Failure to comply with test procedures specified in 30 TAC 319.11-319.12.

Self Report? NO Classification: Minor
Citation: Permit M&RR 2 PERMIT

Description: Failure to comply with test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.

Date: 07/14/2010 (798710)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT

5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at Recycle Ethane Cracking Furnace H-0100.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at Fresh Feed Cracking Furnace H-0300.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 19 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the firebox minimum temperature requirement at the Thermal Oxidizer (EPN: N-19).

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condiiton 15B PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to maintain continuous monitoring records of the vent stream composition to the Flare System (EPNs: N-15 and N-15A).

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT

5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at Boiler B-7240.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted firing rate limit at Boiler B-7240.

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)
36644, Special Condition 30B(1) OP
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP
O-02551, Special Condition 5E OP

Description: Failure to perform a quarterly cylinder gas audit.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at the Boiler B-7280.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted NOx lbs/MMBTU limit at Boiler B-7280.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted firing rate limit at Boiler B-7290.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted NOx lbs/MMBTU limit at Boiler B-7240.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT

5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted NOx lbs/MMBTU limit at Boiler B-7290.

EIC B13 MOD(2)(D)

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 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 2D PERMIT
36644/PSD-TX-903M2, Special Condition 6F PERMIT
36644/PSD-TX-903M2, Special Condition 9E PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(a)(1)
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP
O-02551, Special Condition 1A OP
O-02551, Special Condition 1D OP

Description: Failure to properly seal an open-ended line with a cap, plug, or blind flange.

EIC C10 MOD2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: **Failure to comply with the permitted NOx lbs/MMBTU limit at Fresh Feed Cracking Furnace H-0900.**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: **Failure to comply with the permitted CO lbs/MMBTU limit at Fresh Feed Cracking Furnace H-6101.**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 20 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to switch waste gas flow to another Carbon Adsorption System (CAS) train within 4 hours.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 18 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to document the actual times when the audio, olfactory, and visual (AVO) checks for Ammonia (NH3) leaks were made once per shift and a maintain records.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 14B PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to maintain a minimum net heating value of 635 and 825 BTU per standard cubic feet (scf) at the Ground Flare (EPN: N-15).

EIC B19(g)(1) MOD2G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 14A(1) PERMIT
36644/PSD-TX-903M2, Special Condition 4A PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP
O-02551, Special Condition 1A OP

Description: Failure to maintain a minimum net heating value of 300 BTU/scf at the Shielded Flare (EPN: N-15A).

Self Report? NO Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to maintain the NH3 emission rate at Boiler B-7280 (EPN: N-24A) below the allowable emission limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted NH3 concentration limit at Boiler B-7280.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 30E PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to notify the TCEQ Beaumont Regional Office at least 30 days prior to any required RATAs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 16A PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted NOx concentration limit at Cogeneration Train Unit 1 (EPN: N-20A) and Cogeneration Train Unit 2 (EPN: N-20B).

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 1 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to maintain the NH3 emission rate at Fresh Feed Cracking Furnace H-0900 (EPN: N-9) below the allowable emission limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644/PSD-TX-903M2, Special Condition 21 PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to comply with the permitted CO lbs/MMBTU limit at Fresh Feed Cracking Furnace H-0900.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
36644, Special Condition 20A PERMIT
5C THSC Chapter 382 382.085(b)
O-02551, General Terms and Conditions OP
O-02551, Special Condition 11A OP

Description: Failure to monitor the CAS train once per shift.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 36644, Special Condition 6D PERMIT
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)
 5C THSC Chapter 382 382.085(b)
 O-02551, General Terms and Conditions OP
 O-02551, Special Condition 11A OP
 O-02551, Special Condition 1D OP

Description: Failure to submit a Notification of Compliance Status (NCS) report within 90 days.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-02551, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 36644/PSD-TX-903M, Special Condition 6D PERMIT
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)
 5C THSC Chapter 382 382.085(b)
 O-02551, General Terms and Conditions OP
 O-02551, Special Condition 11A OP
 O-02551, Special Condition 1D OP

Description: Failure to correctly submit the first periodic report required by 40 CFR 63, Subpart H.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 36644, Special Condition 11D PERMIT
 5C THSC Chapter 382 382.085(b)
 O-02551, General Terms and Conditions OP
 O-02551, Special Condition 11A OP
 O-02551, Special Condition 1A OP

Description: Failure to perform visual inspections of storage vessels within 12 months.
 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)
 36644, Special Condition 14C PERMIT
 36644, Special Condition 4A PERMIT
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 O-02551, General Terms and Conditions OP
 O-02551, Special Condition 11A OP
 O-02551, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the Shielded Flare (EPN: N-15A).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
 5C THSC Chapter 382 382.085(b)
 O-02551, General Terms and Conditions OP

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

F. Environmental audits.

Notice of Intent Date: 04/27/2007

Disclosure Date: 03/26/2008

Viol. Classification: Major
Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to obtain stormwater coverage for all industrial activities.

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.54

Description: Failure to update the contingency plan with a list of emergency equipment and emergency coordinators.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to properly calculate emissions averages, NOx and CO lb/mmbtu limits for N-14 boiler.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to maintain records of annual gap measurement for secondary seals (EFR) and visual seal inspections (IFR) were not found for Tank TK-8101.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: Failure to submit initial notification for TK-8001 and TK-2501.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to submit sampling report within 45 days.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to maintain a temperature above 1800 F on several occasions between 06/01/2005 and 01/21/2007 at EPN N-19.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to notify TCEQ in advance of major turnaround scheduled for the end of August 2007.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(a)(2)

Description: Failure to install flow indicator as required for the vent from Stripping Tower (T-5702).

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to operate within permitted emission rates for 2003 through 2006 at EPNs F-1, F-4 and F-5.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Permit does not adequately reflect current vapor pressure information for Tanks TK-2501, TK-8001 and TK-8101.

Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR 36644

Description: Failure to take sample after outlet of primary canister and prior to inlet of secondary canister, use FID or TCEQ approved equivalent, maintain CAS monitoring records for 5 years, and include start and end time of TO outage (period when CAS is in use) in records.

Viol. Classification: Moderate
Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to use and report the level of detection achieved by the laboratory as the sample result and for calibrating maximum and average values.

Viol. Classification: Moderate
Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to maintain recordkeeping and training requirements for Good Housekeeping and Spill Prevention & Response Measures.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)(2)(i)

Description: Failure to maintain records. The following could not be located: Report for the applicable vent from Unit T-3101 (Demethanizer) routed to process heater, report using TO as control device for vent from Stripper Tower & Spent Caustic Oxidizer Reactor at Cracker Unit, schematic diagram as part of initial report.

Viol. Classification: Minor
Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to collect all required samples at the required location.

Viol. Classification: Moderate
Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to report pH as minimum and maximum value on the DMR.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to properly calculate NOx lb/mmbtu for cracking furnaces.

Viol. Classification: Moderate

Rqmt Prov: PERMIT TPDES 0119369

Description: Failure to properly measure flow by only using one measurement.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1083(c)(1)

Description: Failure to maintain documents showing the average VO concentrations for hazardous wastes are being managed in bulk containers.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(c)

Description: Failure to include complete information in Title V permit concerning identification and characteristics of subject waste streams.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.100

Description: Failure to maintain records showing that response factors were determined for all chemical species and confirming calibration gases complied with Method 21.

Viol. Classification: Moderate

Rqmt Prov: PERMIT NSR 36644

Description: Failure to maintain records of AVO inspections.

Viol. Classification: Minor

Rqmt Prov: PERMIT NSR 36644

Description: On a number of occasions prior to June 2005 the repair of leaking components was not assisted simultaneously by an approved analyzer.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: Failure to monitor specific valves monthly for at least two months.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1203(c)

Description: Failure to use an actual background reading, instead a default was used.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)

Description: Failure to maintain records. Specifically, actual readings are not being recorded in all instances.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(C)

Description: Failure to put correct time stamp on monitoring records for components 24704 and 23835 on 02/01/2007 and 02/21/2007.

Viol. Classification: Major

Rqmt Prov: PERMIT NSR 36644

Description: Failure to properly calculate emissions, due to a mathematical error, resulting in exceeded emission limits for the DP Reactor (EPN N-11) and Decoking Drum (EPN N-18).

Notice of Intent Date: 05/29/2007

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF FINA PETROCHEMICALS
LIMITED PARTNERSHIP
RN100216977**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-1318-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical manufacturing plant at 2700 Highway 366 in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 19, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixty-One Thousand Four Hundred Fifty Dollars (\$61,450) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Twenty-Four Thousand Five Hundred Eighty Dollars (\$24,580) of the administrative penalty and Twelve Thousand Two Hundred Ninety Dollars (\$12,290) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Four Thousand Five Hundred Eighty Dollars (\$24,580) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On April 30, 2010, upgraded the continuous emission monitoring system ("CEMS") for the Cogeneration Train Unit 2 Emission Point Number ("EPN") N-20B, and trained the appropriate personnel operating the Cogeneration Train Unit 2; and
 - b. On April 30, 2010, upgraded the CEMS for the Fresh Feed Cracking Furnace H-900 (EPN N-9), and trained the appropriate personnel operating the Cracking Furnace H-900.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to have an approved Stage II vapor recovery system on a stationary storage container from which gasoline was being transferred into motor vehicle fuel tanks, in violation of 30 TEX. ADMIN. CODE §§ 115.241 and 122.143(4), Federal Operating Permit

("FOP") No. O-02551, General Terms and Conditions ("GTC") and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 19, 2010. Specifically, as referenced in the September 1, 2009 to February 28, 2010 deviation report, the Respondent failed to comply with the Stage II regulations.

2. Failed to maintain compliance with the permitted hourly nitrous oxide ("NOx") limit of 26.47 pounds per hour ("lbs/hr") for the Cogeneration Train Unit 2, (EPN N-20B), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-02551, GTC, and Special Condition ("SC") No. 11A, Air Permit Nos. 36644, PSD-TX-903M2, and N-007M1, SC No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 19, 2010. Specifically, between November 22, 2009 through November 23, 2009 the NOx permitted hourly limit was exceeded by an average of 17.67 lbs/hr, resulting in 159.04 lbs of NOx being released over the 8-hour period.
3. Failed to maintain compliance with the hourly NOx and carbon monoxide ("CO") limits of 12.19 lbs/hr and 17.06 lbs/hr, respectively, for the Fresh Feed Cracking Furnace H-900 (EPN N-9), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O-02551, GTC, and SC No. 11A, Air Permit Nos. 36644, PSD-TX-903M2, and N-007M1, SC No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 19, 2010. Specifically, on November 25, 2009 and on January 19, 2010, the permitted CO hourly limit was exceeded and on February 24, 2010, the permitted NOx hourly limit was exceeded, resulting in the release of 10.03 lbs of CO and 4.82 lbs of NOx.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF FINA Petrochemicals Limited Partnership, Docket No. 2010-1318-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Twenty-Four Thousand Five

Hundred Eighty Dollars (\$24,580) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the agreement

3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, cease the transfer of gasoline into motor vehicle fuel tanks from stationary storage containers that are not equipped with an approved Stage II vapor recovery system; and
- b. Within 30 days after the effective date of this Agreed Order, install and begin maintaining all Stage II equipment and records in accordance with 30 TEX. ADMIN. CODE §§ 115.241 through 115.249 (relating to Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities) or permanently remove from service the existing stationary storage containers from service; and
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

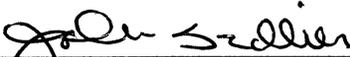
Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

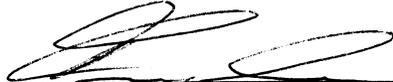
Date 1/31/2011

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

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

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

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



Signature

Date 12/02/10

FUCHS

Name (Printed or typed)
Authorized Representative of
BASF FINA Petrochemicals Limited Partnership

VP - general manager

Title

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

Attachment A
Docket Number: 2010-1318-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **BASF FINA Petrochemicals Limited Partnership**

Penalty Amount: **Forty-Nine Thousand One Hundred Sixty Dollars (\$49,160)**

SEP Offset Amount: **Twenty-Four Thousand Five Hundred Eighty Dollars (\$24,580)**

Type of SEP: **Pre-Approved**

Third-Party Recipient: **Texas Air Quality Research Center at Lamar University – Flare Speciation and Air Quality Modeling**

Location of SEP: **Jefferson County**

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Texas Air Quality Research Center at Lamar University** for the *Flare Speciation and Air Quality Modeling* project to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used for advanced modeling and simulations to identify the VOC species generated and emitted from industrial flares at chemical process facilities under various operating conditions and environmental conditions as well as determine the Combustion Efficiency (CE) and Destruction and Removal Efficiency (DRE). All monies 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.

B. Environmental Benefit

A flare operating under its designed conditions and in compliance with 40 C.F.R. § 60.18 is assumed to achieve a 98% DRE for Volatile Organic Compound (VOC) emissions, i.e. 98% of VOC emissions are assumed to be completely destroyed in the flaring process; however, basic combustion chemistry demonstrates the possibility that intermediate VOC species are formed during the combustion process, and these speciated VOC emissions are not accounted for in the DRE. This SEP will provide a discernible environmental benefit by providing better quantification of actual emissions from flaring operations and provide TCEQ with a more accurate emissions inventory, which may be utilized in SIP documentation. This information is expected to assist in identifying and developing strategies to reduce emissions from industrial sources.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Air Research Center
Lamar University
Attention: George Talbert, Director
P.O. Box 10613
Beaumont, Texas 77710

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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