

Executive Summary – Enforcement Matter – Case No. 41517
Total Petrochemicals USA, Inc.
RN100212109
Docket No. 2011-0603-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Total Petrochemicals USA La Porte Plant, 1818 Independence Parkway South, La Porte,
Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-0830-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 22, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$2,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: Statutory Maximum Limit Adjustment \$5,400

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 41517
Total Petrochemicals USA, Inc.
RN100212109
Docket No. 2011-0603-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 9, 2011
Date(s) of NOE(s): March 25, 2011

Violation Information

Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 148650) that occurred on December 21, 2010, and lasted approximately five hours and twenty minutes, the Respondent released approximately 744 pounds ("lbs") of carbon monoxide, 101 lbs of nitrogen oxides, 49 lbs of propane, and 1,142 lbs of propylene from the Train 9 Polypropylene Unit. The event occurred due to a false low level instrument reading in the Train 8 isopropyl alcohol ("IPA") feed pot causing a backup of IPA into the high pressure nitrogen system and subsequently into Train 9. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 21538 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by January 12, 2011, the Respondent implemented the following corrective measures at the Plant in order to prevent a recurrence of emissions events due to the same cause as Incident No. 148650:

- a. Replaced the faulty level transmitter; and
- b. Installed timers on feed pumps to send an alarm to the control room to alert operations to check level transmitters if the pumps do not shut down after a set time in order to avoid similar events in the future.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

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RN100212109
Docket No. 2011-0603-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Mark Douglass, Plant Manager, Total Petrochemicals USA, Inc., P.O.
Box 888, Deer Park, Texas 77536

Ron Copeland, Environmental Coordinator, Total Petrochemicals USA, Inc., P.O. Box
888, Deer Park, Texas 77536

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Mar-2011	Screening	19-Apr-2011	EPA Due	20-Dec-2011
	PCW	12-Apr-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Total Petrochemicals USA, Inc.
Reg. Ent. Ref. No.	RN100212109
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	41517	No. of Violations	1
Docket No.	2011-0603-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **541.0%** Enhancement **Subtotals 2, 3, & 7** **\$13,525**

Notes: Enhancement for 16 NOVs with same/similar violations, 28 NOVs with dissimilar violations, 19 orders with denial of liability and one order without denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$625**

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

Total EB Amounts \$3
Approx. Cost of Compliance \$1,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$15,400**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$15,400**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$10,000**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,000**

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 **\$8,000**

Screening Date 19-Apr-2011

Docket No. 2011-0603-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 41517

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Heather Podlipny

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>)	16	80%
	Other written NOVs	28	56%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	19	380%
	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 541%

>> **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 16 NOVs with same/similar violations, 28 NOVs with dissimilar violations, 19 orders with denial of liability and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 541%

Screening Date 19-Apr-2011

Docket No. 2011-0603-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 41517

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 21538 Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 148650) that occurred on December 21, 2010, and lasted approximately five hours and twenty minutes, the Respondent released approximately 744 pounds ("lbs") of carbon monoxide, 101 lbs of nitrogen oxides, 49 lbs of propane, and 1,142 lbs of propylene from the Train 9 Polypropylene Unit. The event occurred due to a false low level instrument reading in the Train 8 isopropyl alcohol ("IPA") feed pot causing a backup of IPA into the high pressure nitrogen system and subsequently into Train 9. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event.

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 came into compliance by January 12, 2011 and the NOE is dated March 25, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$15,400

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

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 41517
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	21-Dec-2010	12-Jan-2011	0.06	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper operation and maintenance practices are followed. Date Required is the date of the emissions event. 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

\$1,000

TOTAL

\$3

Compliance History

Customer/Respondent/Owner-Operator:	CN600582399	TOTAL PETROCHEMICALS USA, INC.	Classification: AVERAGE	Rating: 3.62
Regulated Entity:	RN100212109	TOTAL PETROCHEMICALS USA LA PORTE PLANT	Classification: AVERAGE	Site Rating: 9.67
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0036S
	AIR OPERATING PERMITS	PERMIT		1293
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD086981172
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30551
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT		50374
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1010880
	AIR NEW SOURCE PERMITS	PERMIT		3908B
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0036S
	AIR NEW SOURCE PERMITS	PERMIT		54961
	AIR NEW SOURCE PERMITS	AFS NUM		4820100008
	AIR NEW SOURCE PERMITS	PERMIT		2269C
	AIR NEW SOURCE PERMITS	PERMIT		21538
	AIR NEW SOURCE PERMITS	PERMIT		18153
	AIR NEW SOURCE PERMITS	REGISTRATION		54856
	AIR NEW SOURCE PERMITS	REGISTRATION		73925
	AIR NEW SOURCE PERMITS	REGISTRATION		77776
	AIR NEW SOURCE PERMITS	REGISTRATION		77782
	AIR NEW SOURCE PERMITS	REGISTRATION		78962
	AIR NEW SOURCE PERMITS	REGISTRATION		16138
	AIR NEW SOURCE PERMITS	REGISTRATION		2560
	AIR NEW SOURCE PERMITS	REGISTRATION		41719
	AIR NEW SOURCE PERMITS	PERMIT		83796
	AIR NEW SOURCE PERMITS	REGISTRATION		87874
	WASTEWATER	PERMIT		WQ0001000000
	WASTEWATER	EPA ID		TX0007421
	WATER LICENSING	LICENSE		1010880
	STORMWATER	PERMIT		TXR05M372
	POLLUTION PREVENTION PLANNING	ID NUMBER		P00243
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER		HG0036S

Location: 1818 INDEPENDENCE PKWY S, LA PORTE, TX, 77571
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: April 13, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: April 13, 2006 to April 13, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Podlipny Phone: (512) 239 - 2603

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 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: 03/19/2007 ADMINORDER 2006-1040-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Special Condition No. 1 PERMIT
 TCEQ Permit #3908B, SC #2 PERMIT

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

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

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Permit #21538, SC #6 PERMIT

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

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

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

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

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT
Description: Failure to prevent unauthorized emissions during an August 20, 2006 emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT
Description: Failed to prevent unauthorized emissions during an August 21, 2006 emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT
Description: Failed to prevent unauthorized emissions during an August 29, 2006 emissions event.

Effective Date: 01/28/2008 ADMINORDER 2007-1139-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit No. 3908B PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 204 pounds ("lbs") of unauthorized emissions of polypropylene were released into the atmosphere from the Monument 2 Flare due to TOTAL's failure to clean the V-882 Propane Knock-out Drum's demister pad. The emissions event occurred on February 20, 2007 and lasted twelve hours.

Effective Date: 04/03/2008 ADMINORDER 2007-1593-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 6 PERMIT
Description: Failure to prevent an unauthorized emissions event.

Effective Date: 04/28/2008 ADMINORDER 2007-1425-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
5C THSC Chapter 382 382.085(b)
Description: Failure to notify the TCEQ Regional Office of the emissions event within 24 hours of discovery, as required by 30 TAC 101.201(a)(1).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 6 PERMIT
Description: The RE failed to control the unauthorized emissions from the Emissions Event (Inc. # 91837) that occurred on May 12, 2007.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: The RE failed to present an affirmative defense for the emissions event. They did not know the underlying cause of the flow control valve positioner failure, and did not keep useful reliability / maintenance data on control valves and their auxiliary equipment.

Effective Date: 05/22/2008 ADMINORDER 2007-1879-IWD-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Effective Date: 07/21/2008 ADMINORDER 2008-0162-AIR-E
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)
Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 11, 2007 (Incident No. 95742).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Maximum Emission Rate Table PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 6 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 6 PERMIT
Description: Failed to prevent unauthorized emissions.

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

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

Rqmt Prov: MERT PERMIT

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

Effective Date: 12/04/2008

ADMINORDER 2008-0944-AIR-E

Classification: Moderate

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

Rqmt Prov: Standard Air Permit No. 78962 PERMIT

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

Effective Date: 05/18/2009

ADMINORDER 2008-1173-AIR-E

Classification: Minor

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: Special Condition 2 PERMIT

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Minor

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

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

Classification: Minor

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

Rqmt Prov: General Condition 2 PERMIT
General Condition No. 8 PERMIT

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

Effective Date: 06/01/2009

ADMINORDER 2008-1773-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 108007.
Effective Date: 07/09/2009 ADMINORDER 2009-0013-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Standard Permit No. 78962, MAERT PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 78962 PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.
Effective Date: 07/20/2009 ADMINORDER 2009-0220-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit No. 78962, MAERT PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.
Effective Date: 11/27/2009 ADMINORDER 2009-0749-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 3908B, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the Train 7 Cyclo-filter.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 3908B, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent polymer build-up and plugging in the Train 7 Cyclofilter.
Effective Date: 03/08/2010 ADMINORDER 2009-1640-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Total released 3787.96 lbs of propylene; 2703.38 lbs of carbon monoxide; and 360.52 lbs of nitrogen oxides during an avoidable emissions event (Incident No. 126615) that began June 28, 2009 and lasted for 10 hours. The unauthorized release was the result of solid build-up in the Train F-445 Filter (Cyclo-filter).
Effective Date: 06/26/2010 ADMINORDER 2009-1869-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to operate the North Flare with a flame present at all times.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to notify the TCEQ of a reportable emissions event within 24 hours of discovery.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Failure to prevent polymer solids build-up and plugging in the Train 7 Cyclo-filter.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent polymer solids build-up and plugging in the Train 7 Cyclo-filter.
Effective Date: 08/21/2010 ADMINORDER 2010-0019-AIR-E
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the Train 7 Cyclo-filter.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 6 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to ensure that the cooling water system was functioning properly after conducting maintenance.

Effective Date: 10/15/2010 ADMINORDER 2010-0525-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Train 7 operators failed to maintain the designated temperature parameters in the Train 7 Reactor during startup of the unit.

Effective Date: 12/25/2010 ADMINORDER 2009-1015-AIR-E

Classification: Moderate

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

Rqmt Prov: 3908B, Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to close the fuel-gas bypass vent to the BO-4 Boiler after conducting maintenance.

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	08/04/2006	(345748)
2	04/27/2006	(456175)
3	04/25/2006	(458264)
4	04/24/2006	(463428)
5	05/16/2006	(463577)
6	05/16/2006	(463907)
7	05/17/2006	(465592)
8	05/16/2006	(465691)
9	05/26/2006	(467560)
10	05/31/2006	(480470)
11	05/31/2006	(480475)
12	06/29/2006	(481055)
13	06/22/2006	(482832)
14	06/22/2006	(482925)
15	06/23/2006	(483058)
16	06/29/2006	(484017)
17	07/12/2006	(484022)
18	07/14/2006	(484429)
19	08/17/2006	(484538)
20	07/26/2006	(487037)
21	08/03/2006	(487671)
22	08/03/2006	(488357)
23	09/08/2006	(489217)
24	09/05/2006	(497455)
25	05/01/2006	(498412)
26	05/30/2006	(498413)
27	06/20/2006	(498414)
28	07/13/2006	(498415)
29	06/07/2006	(498416)
30	09/05/2006	(509499)
31	09/07/2006	(510865)
32	10/16/2006	(511833)
33	11/06/2006	(516491)
34	11/21/2006	(516694)
35	11/20/2006	(517197)
36	08/21/2006	(520418)
37	09/22/2006	(520419)
38	08/21/2006	(520420)
39	10/06/2006	(530970)
40	02/05/2007	(534573)
41	05/25/2007	(536112)
42	03/19/2007	(536804)
43	02/15/2007	(539452)
44	03/09/2007	(539872)
45	04/12/2007	(540389)
46	03/13/2007	(542326)
47	04/30/2007	(542574)
48	03/22/2007	(542671)
49	03/22/2007	(542675)
50	04/10/2007	(543717)
51	06/08/2007	(555120)
52	05/16/2007	(555746)
53	05/16/2007	(555751)
54	06/15/2007	(555757)
55	05/14/2007	(556174)
56	04/23/2007	(556287)
57	05/30/2007	(556956)
58	05/31/2007	(559121)
59	05/31/2007	(559123)
60	05/08/2007	(559591)
61	07/05/2007	(560624)
62	06/25/2007	(560632)
63	06/21/2007	(560635)
64	06/21/2007	(560640)
65	06/18/2007	(561134)
66	06/20/2007	(561136)
67	06/27/2007	(561137)
68	07/24/2007	(561139)

69	06/08/2007	(562000)
70	06/19/2007	(562094)
71	07/30/2007	(565237)
72	08/29/2007	(565319)
73	07/18/2007	(565537)
74	08/13/2007	(566645)
75	09/11/2007	(569993)
76	09/26/2007	(570766)
77	01/28/2008	(570970)
78	11/19/2007	(572263)
79	02/12/2007	(575728)
80	03/22/2007	(575729)
81	04/13/2007	(575730)
82	05/16/2007	(575731)
83	06/22/2007	(575732)
84	04/04/2007	(575733)
85	10/20/2006	(575734)
86	11/21/2006	(575735)
87	10/18/2007	(594393)
88	10/17/2007	(594536)
89	12/11/2007	(597559)
90	11/20/2007	(597561)
91	11/12/2007	(599234)
92	11/30/2007	(600058)
93	12/07/2007	(600059)
94	08/20/2007	(607606)
95	09/21/2007	(607607)
96	12/17/2007	(609853)
97	03/31/2008	(610624)
98	02/15/2008	(612150)
99	01/30/2008	(613375)
100	03/10/2008	(616035)
101	03/10/2008	(616237)
102	10/23/2007	(619670)
103	11/26/2007	(619671)
104	10/23/2007	(619672)
105	11/12/2007	(619673)
106	02/18/2010	(639583)
107	05/09/2008	(640759)
108	05/30/2008	(640765)
109	06/04/2008	(654889)
110	06/05/2008	(671448)
111	06/11/2008	(671449)
112	06/11/2008	(671450)
113	02/21/2008	(672192)
114	06/30/2008	(681219)
115	06/30/2008	(682520)
116	06/18/2008	(682521)
117	07/10/2008	(683615)
118	07/02/2008	(683653)
119	08/19/2008	(685005)
120	07/18/2008	(685477)
121	07/25/2008	(686100)
122	08/19/2008	(686804)
123	08/13/2008	(686959)
124	07/22/2008	(687013)
125	08/01/2008	(687683)
126	08/13/2008	(688033)
127	10/30/2008	(688227)
128	03/24/2008	(690105)
129	04/14/2008	(690106)
130	05/16/2008	(690107)
131	05/16/2008	(690108)
132	10/31/2008	(699758)
133	11/03/2008	(699774)
134	11/03/2008	(699972)
135	05/12/2009	(700393)
136	10/03/2008	(704204)
137	04/22/2009	(704209)
138	02/06/2009	(704273)
139	12/09/2008	(704274)
140	11/21/2008	(704275)
141	02/13/2009	(704276)
142	01/05/2009	(704277)
143	01/21/2009	(706088)
144	01/29/2009	(709785)
145	06/11/2008	(710892)
146	08/25/2008	(710893)
147	09/24/2008	(710894)
148	07/21/2008	(710895)
149	05/22/2009	(721129)
150	01/21/2009	(722792)
151	01/27/2009	(723151)
152	02/06/2009	(723709)
153	02/06/2009	(723711)
154	02/09/2009	(724256)
155	02/18/2009	(724508)
156	02/23/2009	(724509)
157	10/20/2008	(727597)
158	11/17/2008	(727598)
159	12/04/2008	(727599)
160	03/18/2009	(736586)
161	04/28/2009	(738203)

162	06/10/2009	(738207)
163	04/10/2009	(738976)
164	05/05/2009	(739890)
165	05/05/2009	(739891)
166	04/07/2009	(740317)
167	05/04/2009	(740997)
168	04/13/2009	(741583)
169	11/20/2009	(743105)
170	09/02/2010	(744679)
171	06/23/2009	(745530)
172	05/11/2010	(749688)
173	02/23/2009	(750407)
174	09/22/2009	(763295)
175	07/31/2009	(763543)
176	05/13/2010	(763600)
177	09/28/2009	(766433)
178	03/23/2009	(768462)
179	04/20/2009	(768463)
180	05/20/2009	(768464)
181	03/23/2009	(768465)
182	10/16/2009	(776286)
183	12/18/2009	(776288)
184	10/05/2009	(776297)
185	11/17/2009	(777450)
186	11/04/2009	(777540)
187	11/23/2009	(777831)
188	10/16/2009	(779107)
189	11/16/2009	(781266)
190	01/06/2010	(781268)
191	08/26/2010	(784790)
192	12/28/2009	(786653)
193	02/05/2010	(788072)
194	01/26/2010	(788149)
195	03/19/2010	(788806)
196	02/26/2010	(790721)
197	02/26/2010	(790723)
198	04/01/2010	(790975)
199	04/01/2010	(790976)
200	04/12/2010	(790977)
201	04/01/2010	(790978)
202	02/22/2010	(791397)
203	02/23/2010	(792077)
204	05/13/2010	(793660)
205	06/01/2010	(797645)
206	05/27/2010	(801813)
207	06/01/2010	(802166)
208	02/22/2010	(805026)
209	06/23/2009	(805027)
210	08/18/2009	(805028)
211	09/22/2009	(805029)
212	10/05/2009	(805030)
213	11/19/2009	(805031)
214	12/15/2009	(805032)
215	01/14/2010	(805033)
216	07/14/2010	(829979)
217	08/04/2010	(830043)
218	04/12/2010	(831011)
219	05/20/2010	(831012)
220	09/20/2010	(841265)
221	06/17/2010	(846311)
222	09/09/2010	(860034)
223	03/12/2010	(860900)
224	07/19/2010	(860901)
225	08/18/2010	(866877)
226	03/24/2011	(870425)
227	01/21/2011	(872639)
228	09/16/2010	(873947)
229	02/15/2011	(877990)
230	11/03/2010	(881544)
231	02/02/2011	(884806)
232	02/08/2011	(887281)
233	01/21/2011	(887726)
234	11/16/2010	(888066)
235	12/16/2010	(896290)
236	03/24/2011	(899563)
237	03/24/2011	(899567)
238	03/01/2011	(900708)
239	11/18/2010	(902349)
240	02/17/2011	(909133)

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

Date:	05/31/2006	(498414)	CN600582399
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/27/2006	(484538)	CN600582399
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 37, SubChapter C 37.251(d)		
Description:	Failure to provide a FT demonstration 90 days after company's fiscal year - but was subsequently resolved on 7-21-06 when we received a financial test demonstration.		

Date: 10/06/2006 (530970) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 10/16/2006 (511833) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Air Permit #3908B, SC #1 PERMIT
 Description: TOTAL failed to control the temperature on the Monument 2 reboiler which resulted in unauthorized emissions.
 Date 10/31/2006 (575735) CN600582399
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 03/31/2007 (575730) CN600582399
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 04/11/2007 (540389) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)
 Description: Failure to prevent the unauthorized discharge from the collection system.
 Date 04/30/2007 (575731) CN600582399
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 05/25/2007 (536112) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 21538, SC 13 PA
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.146(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-1(a)(1)(i)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-1293, Special Conditions 1 & 11 OP
 Description: Failure to maintain the required destruction efficiency for the Train 8 and Train 9 Enclosed Vapor Combustor ES-976.
 Self Report? NO Classification: Moderate
 Citation: 1293, Special Condition OP
 2269C, SC 2 PA
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to control non-fugitive emissions of gases to the atmosphere from rupture discs.
 Self Report? NO Classification: Moderate
 Citation: 1293, SC 1 OP
 21538, SC 5 PA
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Part 60, Subpart DDD 60.562-1(a)(1)(i)(A)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to maintain the required average temperature entering the catalyst bed to ensure destruction efficiency for Blender/Feeder Vent Gas Catalytic Oxidizer (ES-975).
 Self Report? NO Classification: Moderate
 Citation: 1293, Special Condition 1 OP

2269C, SC1 PA
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Exceeded permit limits at Monument I Pellet Handling System during December 2005.
 Self Report? NO Classification: Moderate

Citation: 18153, SC No. 8E PA
 21538, SC No. 1E PA
 2269C, SC No. 11E PA
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 3908B, SC No. 4E PA
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01293, SC No. 11 OP
 Description: Failure to ensure that each open-ended line is equipped with a cap or plug.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 O-01293, General Terms and Conditions OP
 Description: Failure to submit the annual compliance certification to the TCEQ no later than 30 days after the end of the certification period.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 O-01293, General Terms and Conditions OP
 Description: Failure to submit the six-month deviation report no later than 30 days after the end of the deviation period.
 Date 05/31/2007 (575732) CN600582399
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/12/2007 (555757) CN600582399
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: The RE failed to report the emissions of CO and NO in the Final (14-day) Report. While these emissions did not exceed an RQ, 30 TAC 101.201(b)(1)(G,H) still requires that these emissions be included in the Final Report.
 Date 06/30/2007 (575733) CN600582399
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 07/24/2007 (561139) CN600582399
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Air Permit No. 3908B Special Condition 1 PERMIT
 Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of the emissions event.
 Date 07/31/2007 (607606) CN600582399
 Self Report? YES Classification: Moderate

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

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

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

Date	10/31/2007	(619671)	CN600582399	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	01/31/2008	(672192)	CN600582399	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/29/2008	(690105)	CN600582399	
Self Report?	YES			Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/01/2008	(610624)	CN600582399	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01293, Special Terms & Cond. No. 1(A) OP			
Description:	Failure to record the NOx concentration in the Waste Heat Boiler's (M2A-BO-3) stack.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(C) 5C THSC Chapter 382 382.085(b) O-01293, General Terms & Conditions OP			
Description:	Failure to report all deviations in semi-annual deviation and annual compliance certification reports.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(6) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01293, Special T & C No. 1(F)(iii) OP			
Description:	Failure to perform the required sampling after the out-of-order periods for the Train 8 Cooling Tower and Monument 1 Cooling Tower online HRVOC monitors exceeded 24 hours.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01293, Special T & C No. 1(F)(iii) OP			
Description:	Failure of the Monument 1 and Train 8 Cooling Tower monitoring systems to continuously operate at least 95% of the annual cooling tower operating time.			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 3908B, Special Condition No. 2 PERMIT 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) O-01293, Special Terms & Cond. No. 11 OP			
Description:	Failure to operate the Monument 2 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.			
Self Report?	NO			Classification: Moderate
Citation:	21538, Special Condition No. 12(A) PERMIT 30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) O-01293, Special Terms & Cond. No. 11 OP			
Description:	Failure to operate the Train 8 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) O-01293, Special T & C No. 1(F)(iii) OP			

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Date 05/31/2008 (710892) CN600582399

Self Report? YES Classification: Moderate

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

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

Date 06/30/2008 (690108) CN600582399

Self Report? YES Classification: Moderate

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

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

Date 07/31/2008 (710893) CN600582399

Self Report? YES Classification: Moderate

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

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

Date 08/13/2008 (688033) CN600582399

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
TCEQ Standard Permit No. 78962, GC #8 PERMIT

Description: TOTAL failed to prevent a high pressure drop across the Train 7 Cyclofilter.

Date 08/31/2008 (710894) CN600582399

Self Report? YES Classification: Moderate

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

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

Date 02/18/2009 (724508) CN600582399

Self Report? NO Classification: Moderate

Citation: 21538 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Description: Exceeded permit limits during an avoidable emissions event.

Date 02/23/2009 (724509) CN600582399

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to closet the Train 7 Reactor Bleeder Valve to the North Flare System.

Date 04/13/2009 (738976) CN600582399

Self Report? NO Classification: Moderate

Citation: 21538, Special Condition No. 6 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Total failed to meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions released during the event.

Date 05/04/2009 (740997) CN600582399

Self Report? NO Classification: Moderate

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

3908B, Special Condition No. 1 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent unauthorized emissions.
Date 05/22/2009 (721129) CN600582399
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 1 (F)(iii) OP
Description: Failure to collect an additional sample of cooling tower water when VOC concentrations were above 50 ppbw.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate a stationary diesel or dual-fuel engine at the proper time.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to maintain flare net heating value above 300 BTU/scf.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond 11 OP
Spec. Cpnd. 16F PERMIT
Description: Failure to test waste heat boiler under NSR Permit No. 3908B conditions.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond 5 PERMIT
Spec. Cond. 11 PERMIT
Description: Failure to calibrate VOC monitor on catalytic oxidizer ES-975 before use.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11 OP
Spec. Cond. 5 PERMIT
Description: Failure to record daily data as stated in NSR Permit No. 18153, SC 5.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11 OP
Spec. Cond. 20E PERMIT
Description: Failure to report excess emissions within 48 hours.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11 OP
Spec. Cond. 12 PERMIT
Description: Failure to maintain thermal oxidizer temperature about 1,600 degrees F. while waste gas is directed to it.
Date 08/31/2009 (805029) CN600582399
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date 01/31/2010 (805026) CN600582399
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date 02/26/2010 (790721) CN600582399
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THSC Chapter 382 382.085(b)
 General Conditions PERMIT
 Description: Failure to prevent unauthorized emissions. Total failed to maintain the temperature in the Recycle Reactor which caused unreacted hydrocarbons to exit the reactor and enter the flare system.
 Date 04/01/2010 (790975) CN600582399
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
 PROVISION III.D. PERMIT
 Description: Failure to maintain documentation of daily inspections of the perimeter fence and signs.
 Date 06/02/2010 (797645) CN600582399
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
 Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the stream tracing line of the level instrument on Column D-21.
 Date 06/30/2010 (860901) CN600582399
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 07/31/2010 (866877) CN600582399
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/04/2010 (830043) CN600582399
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 5C THSC Chapter 382 382.085(b)
 MAERT PERMIT
 Description: Failure to prevent unauthorized emissions. Total operations failed to properly control the catalyst feed rate into the Train 9 Reactor.
 Date 08/13/2010 (784790) CN600582399
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 15 PA
 Description: Failure to conduct required monthly sampling of the residual volatile organic compounds (VOC) in fluff for Train 7, (ID#PRO-M2B). Category C1 violation.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 13 PA
 Description: Failure to maintain North Thermal Oxidizer temperature. Category B14 violation.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 1 PA
 Description: Failure to limit hydrogen chloride (HCL) maximum allowable emission rate (MAER). Category B14 violation.
 Self Report? NO Classification: Minor

Citation: 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)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 11B PA
 Description: Flare (ID# M3A-ES-805) was not monitored for continuous presence of flame by a thermocouple or equivalent device.
 Category C1 violation.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(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 A 60.18(c)(3)(i)(B)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 12A PA		
Description:	Failure to meet Flare required heating values. Category C4 violation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(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 A 60.18(c)(3)(i)(B)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 10A PA Special Condition 11 OP		
Description:	Failure to meet Flare required heating values. Category C4 violation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP		
Description:	Failure to maintain South Thermal Oxidizer temperature. Category B14.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 19D PA		
Description:	Exceedence of the maximum firing rates limit. Category C4 violation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to sample highly reactive volatile organic compound (HRVOC) analyzer. Category C1 violation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 18A PA Special Condition 25A PA Special Condition 26A PA		
Description:	Failure to verify the accuracy of the photo ionization detector (PID) monitoring device daily. Category C1 violation		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(5) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to sample highly reactive volatile organic compound (HRVOC) cooling tower water. Category C1 violation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP Special Condition 3 PA		
Description:	Failure to limit pellets VOC emissions. Category B14.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PA Special Condition 11 OP		
Description:	Failure to limit the short term hourly/monthly volatile organic compound (VOC) maximum allowable emission. Category B14 violation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 OP		

Special Condition 16 PA
Description: Failure to continuously monitor inlet and exhaust volatile organic compound (VOC) concentration. Category C1 violation.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 5 PA
Description: Failure to calibrate monitoring devices (ID# M2B-BL-8A, M2A-BL-8B, M2A-BL-8C, M2A-BL-8D). Category C1 violation.
Date 08/31/2010 (873947) CN600582399
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date 01/13/2011 (887726) CN600582399
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 19D PA
Description: Exceedence of the maximum firing rates limit. Category C4 violation.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 3 PA
Description: Failure to limit pellets VOC emissions. Category B14.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PA
Special Condition 11 OP
Description: Failure to limit the short term hourly/monthly volatile organic compound (VOC) maximum allowable emission. Category B14 violation.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 16 PA
Description: Failure to continuously monitor inlet and exhaust volatile organic compound (VOC) concentration. Category C1 violation.
Date 02/02/2011 (884806) CN600582399
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, No. 1 PERMIT
Description: Failure to maintain compliance with self-monitored effluent limitations for total organic carbon, total suspended solids, and temperature.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
M&RR, No. 4 PERMIT
Description: Failure to accurately complete the discharge monitoring reports (DMR).
Date 02/08/2011 (887281) CN600582399
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 6 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent the pressure to increase in the Train 8 Reactor, which resulted in a release from the safety relief valve to the South Flare System.
Date 02/15/2011 (877990) CN600582399
Self Report? NO Classification: Moderate

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

SC 13 PERMIT
 SC 14 OP
 Description: Failure to comply with permit limits for the thermal oxidizer firebox temperature and exhaust oxygen concentration (B18).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 5 PERMIT
 Description: Failure to continuously monitor catalytic oxidizer inlet and exhaust VOC concentration (C1).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 7 PERMIT
 Description: Failure to comply with permit limit for vapor combustor chamber temperature (C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 7 PERMIT
 Description: Failure to comply with permit limit for VOC/million pounds of product produced.(B18).
 Self Report? NO Classification: Minor
 Citation: 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)(i)(B)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 10A PERMIT
 SC 14 OP
 Description: Failure to comply with the net heating value requirement for the flares (C4).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 18 PERMIT
 Description: Failure to take VOC measurements using a photo-ionization detector (C1).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 18A PERMIT
 Description: Failure to verify accuracy of a photo-ionization detector on a daily basis (C1).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 15 PERMIT
 Description: Failure to collect a monthly sample for VOC testing (C4).
 Self Report? NO Classification: Minor
 Citation: 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)(2)
 5C THSC Chapter 382 382.085(b)
 SC 12B PERMIT
 SC 14 OP
 Description: Failure to have a flame present at all the time on the Alkyl Flare (C4).

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0603-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petrochemical plant at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 30, 2011.

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 Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Dollars (\$8,000) of the administrative penalty and Two Thousand Dollars (\$2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by January 12, 2011, the Respondent implemented the following corrective measures at the Plant in order to prevent a recurrence of emissions events due to the same cause as Incident No. 148650:
 - a. Replaced the faulty level transmitter; and
 - b. Installed timers on feed pumps to send an alarm to the control room to alert operations to check level transmitters if the pumps do not shut down after a set time in order to avoid similar events in the future.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an emissions event, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 21538 Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 9, 2011. Specifically, during an emissions event (Incident No. 148650) that occurred on December 21, 2010, and lasted approximately five hours and twenty minutes, the Respondent released approximately 744 pounds ("lbs") of carbon monoxide, 101 lbs of nitrogen oxides, 49 lbs of propane, and 1,142 lbs of propylene from the Train 9 Polypropylene Unit. The event occurred due to a false low level instrument reading in the Train 8 isopropyl alcohol ("IPA") feed pot causing a backup of IPA into the high pressure nitrogen system and subsequently into Train 9. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals USA, Inc., Docket No. 2011-0603-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

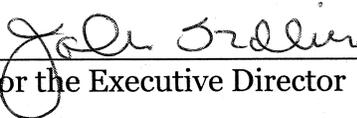
2. * The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

3. 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.
4. 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.
5. 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

7/31/2011

Date

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

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

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

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



Signature

5/25/2011

Date

MARK DOUGLASS

Name (Printed or typed)
Authorized Representative of
Total Petrochemicals USA, Inc.

PLANT MANAGER

Title

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