

Executive Summary – Enforcement Matter – Case No. 42325
Total Petrochemicals USA, Inc.
RN102457520
Docket No. 2011-1477-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Total Petro Chemicals USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

Type of Operation:

Oil refining and chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2012-0087-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 27, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$269,775

Amount Deferred for Expedited Settlement: \$53,955

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$107,910

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$107,910

Name of SEP: Southeast Texas Regional Planning Commission - West Port Arthur

Home Energy Efficiency Program (Attachment A, \$53,955)

Name of SEP: Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station (Attachment B, \$53,955)

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 12 to April 15, 2011

Date(s) of NOE(s): August 2, 2011

Violation Information

1. Failed to comply with the hourly allowable emissions rate and the concentration limit. Specifically, the Respondent exceeded the carbon monoxide (“CO”) hourly emission rate, exceeded the sulfur dioxide (“SO₂”) hourly emission rate, and exceeded the CO and SO₂ concentration limits at Emissions Point Number (“EPN”) 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628.14 lbs of SO₂. The Respondent exceeded the nitrogen oxide (“NO_x”) hourly emission rate and the CO hourly emission rate at EPN 17REFHTERS, resulting in the total release of 122.33 lbs of NO_x and 14.5 lbs of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F), and (c), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 18936 and PSDTX762M3, Special Conditions No. 8 and the Maximum Allowable Emission Rates Table, Air Permit No. 5694A, General Conditions No. 8, and Federal Operating Permit (“FOP”) No. O1267, Special Terms and Conditions No. 29].

2. Failed to comply with the hourly allowable emissions rate. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO₂ [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 9194A and PSDTX453M6, Special Conditions No. 1, Air Permit No. 8983A, Special Conditions No. 1, Air Permit Nos. 3615 and PSDTX058, General Conditions No. 1, and FOP No. O1267, Special Terms and Conditions No. 29].

3. Failed to comply with the hourly allowable emissions rate and the concentration limits. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NO_x concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO₂ hourly emission rate, exceeded the hydrogen sulfide (“H₂S”) hourly emission rate, and exceeded the SO₂ concentration limit at EPN 15RUINCIN, resulting in the total release of 446.63 lbs of CO, 1,570.2 lbs of SO₂, and 44.4 lbs of H₂S. Additionally, for EPN 15RUINCIN, the minimum firebox temperature of 2,200 degrees Fahrenheit was not met for two hours, and the minimum sulfur recovery efficiency was not met for 104 days [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS (“CFR”) §§ 60.104(a)(2)(i) and 60.105(e)(4)(i), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 43109, Special Conditions Nos. 3 and 8, Air Permit Nos. 9195A and PSDTX453M6, Special Conditions Nos. 1, 3A, and 5, and FOP No. O1267, Special Terms and Conditions No. 29].

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4. Failed to operate an emission source as represented in the authorization. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored volatile organic compounds (“VOC”) in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An estimated 6,972 lbs of VOC were released over 840 hours [30 TEX. ADMIN. CODE §§ 115.112(a)(1), 116.116(a)(1), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit by Rule 30 TEX. ADMIN. CODE § 106.472, and FOP No. O1267, Special Terms and Conditions No. 29].

5. Failed to comply with the hourly allowable emissions rate. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the release of 270.259 lbs of VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 56385, Special Conditions No. 1, and FOP No. O1267, Special Terms and Conditions No. 29].

6. Failed to comply with the hourly allowable emissions rate. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO₂ hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the unauthorized release of 173.28 lbs of CO and 0.62 lbs of SO₂ [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 9193A and PSDTX453M6, Special Conditions No. 2, and FOP No. O1267, Special Terms and Conditions No. 29].

7. Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO₂ hourly emission rate of 55.31 lbs/hr for a total of six hours and exceeded the H₂S hourly emission rate of 0.03 lbs/hr for a total of six hours at EPN 25RUINCIN, resulting in the release of 454.56 lbs of SO₂ and 0.24 lb of H₂S. The SO₂ concentration limit of 250 ppm was exceeded for a total of eight hours. The minimum firebox temperature of 1,400 degrees Fahrenheit was not met for a total of 10 hours [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102(f)(1)(i), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 46396 and PSDTX1073M1, Special Conditions Nos. 1, 24, and 26, and FOP No. O1267, Special Terms and Conditions No. 29].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

- a. On December 20, 2010, the Respondent drained Spent Acid Tank 923 to remove the alkylate-type material and commenced manual level gauging of the tank to monitor the total liquid level in order to prevent future overflow; and
- b. On August 10, 2011, the Respondent completed corrective measures associated to an engineering study to ensure compliance with the VOC hourly emissions rates for EPNs listed in Air Permit No. 56385. The corrective measures taken are as follows: 1) Began using process gas oil instead of diesel in operations in the DHT-2 Unit; 2) Repaired and placed the North and South barrel pumps on a routine maintenance schedule; and 3) Installed a liquid VOC Scrubber Unit upstream of the Carbon Absorption System.

Technical Requirements:

1. The Order will require the Respondent to implement and complete two Supplemental Environmental Projects (“SEPs”). (See SEP Attachments A and B)
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures to ensure compliance with the allowable CO and SO₂ emission rates and concentration limits for EPN 55RGNFLUGS;
 - ii. Implement measures and/or procedures to ensure compliance with the allowable NO_x and CO emission rates for EPN 17REFHTERS;
 - iii. Implement measures and/or procedures to ensure compliance with the allowable SO₂ emission rates for EPN 01ACU1202A;
 - iv. Implement measures and/or procedures to ensure compliance with the allowable SO₂ emission rates for EPN 01ACU1H101;
 - v. Implement measures and/or procedures to ensure compliance with the allowable SO₂ emission rates for EPNs 10DEMEXH-2 and 10DEMEXH-4;
 - vi. Implement measures and/or procedures to ensure compliance with the allowable SO₂ and CO emission rates for EPN 13UNIBNH301;
 - vii. Implement measures and/or procedures to ensure compliance with the allowable CO emission rates and the NO_x concentration limit for EPN 61STACKBLR;

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viii. Implement measures and/or procedures to ensure compliance with the allowable CO, SO₂, and H₂S emission rates, the SO₂ concentration limit, and the minimum firebox temperature for EPN 15RUINCIN;

ix. Implement measures and/or procedures to ensure compliance with the allowable H₂S and SO₂ emission rates, the SO₂ concentration limit, and the minimum firebox temperature for EPN 25RUINCIN; and

b. Within 45 days, submit written certification demonstrating compliance.

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: John Muennink, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8970; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Darrell Jacob, Refinery Manager, Total Petrochemicals USA, Inc., P.O. Box 849, Port Arthur, Texas 77641
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1477-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Total Petrochemicals USA, Inc.

Payable Penalty Amount: Two Hundred Fifteen Thousand Eight Hundred Twenty Dollars (\$215,820)

SEP Amount: Fifty-Three Thousand Nine Hundred Fifty-Five Dollars (\$53,955)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program

Location of SEP: Jefferson County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Attachment B
Docket Number: 2011-1477-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Total Petrochemicals USA, Inc.

Payable Penalty Amount: Two Hundred Fifteen Thousand Eight Hundred Twenty Dollars (\$215,820)

SEP Amount: Fifty-Three Thousand Nine Hundred Fifty-Five Dollars (\$53,955)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission
-Southeast Texas Regional Air Monitoring
Network Ambient Air Monitoring Station

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

Total Petrochemicals USA, Inc.
Agreed Order – Attachment B

butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the Texas Commission on Environmental Quality, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

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 amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental Resources
Attention: SEP
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Aug-2011	Screening	18-Aug-2011	EPA Due	28-Apr-2012
	PCW	2-Dec-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Total Petrochemicals USA, Inc.
Reg. Ent. Ref. No.	RN102457520
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	42325	No. of Violations	7
Docket No.	2011-1477-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		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** **\$55,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **393.0%** Enhancement **Subtotals 2, 3, & 7** **\$216,150**

Notes: Enhancement for eight NOV's with same/similar violations, 24 NOV's with dissimilar violations, 13 orders with denial of liability, and two orders without denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

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** **\$1,375**

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

Total EB Amounts \$562
Approx. Cost of Compliance \$11,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$269,775**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$269,775**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$269,775**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$53,955**

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 **\$215,820**

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

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>)	8	40%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	13	260%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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>)	3	-3%
	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) 393%

>> 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 eight NOVs with same/similar violations; 24 NOVs with dissimilar violations; 13 orders with denial of liability, and two orders without denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 393%

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b), (b)(2)(F), and (c), 116.615(2), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit Nos. 18936 and PSDTX762M3, Special Conditions No. 8 and the Maximum Allowable Emission Rates Table, Air Permit No. 5694A, General Conditions No. 8, and Federal Operating Permit ("FOP") No. 01267, Special Terms and Conditions No. 29

Violation Description

Failed to comply with the hourly allowable emissions rate and the concentration limit, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO2") hourly emission rate, and exceeded the CO and SO2 concentration limits at Emissions Point Number ("EPN") 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628.14 lbs of SO2. The Respondent exceeded the nitrogen oxide ("NOx") hourly emission rate and the CO hourly emission rate at EPN 17REFHTERS, resulting in the total release of 122.33 lbs of NOx and 14.5 lbs of CO.

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	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6 Number of violation days 272

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

Violation Base Penalty \$15,000

Six quarterly events are recommended (three quarters per EPN)

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$73,950

This violation Final Assessed Penalty (adjusted for limits) \$73,950

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 42325
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	4-Jan-2010	31-Jan-2012	2.07	\$104	n/a	\$104

Notes for DELAYED costs
 Estimated expense to maintain compliance with the allowable limits and rates for EPNS 55RGNEFLUGS and 17REFHTERS. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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** \$104

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s)

30 Tex. Adm. Code §§ 101.20(3), 116.115(b), (b)(2)(F), and (c), 116.615(2), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit Nos. 9194A and PSDTX453M6, Special Conditions No. 1, Air Permit No. 8983A, Special Conditions No. 1, Air Permit Nos. 3615 and PSDTX058, General Conditions No. 1, and FOP No. O1267, Special Terms and Conditions No. 29

Violation Description

Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO2.

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 an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 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.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$103

Violation Final Penalty Total \$12,325

This violation Final Assessed Penalty (adjusted for limits) \$12,325

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 42325
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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	8-Jan-2010	31-Jan-2012	2.06	\$103	n/a	\$103

Notes for DELAYED costs

Estimated expense to maintain compliance with the allowable rates for EPNs 01ACU1202A, 01ACU1H101, 10DEMEXH-2, and 10DEMEXH-4. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures are estimated 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

\$1,000

TOTAL

\$103

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.104(a)(2)(i) and 60.105(e)(4)(i), Tex. Health & Safety Code § 382.085(b), Air Permit No. 43109, Special Conditions Nos. 3 and 8, Air Permit Nos. 9195A and PSDTX453M6, Special Conditions Nos. 1, 3A, and 5, and FOP No. O1267, Special Terms and Conditions No. 29

Violation Description

Failed to comply with the hourly allowable emissions rate and the concentration limits, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NOx concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO2 hourly emission rate, exceeded the hydrogen sulfide ("H2S") hourly emission rate, and exceeded the SO2 concentration limit at EPN 15RUINCIN, resulting in the total release of 446.63 lbs of CO, 1,570.2 lbs of SO2, and 44.4 lbs of H2S. Additionally, for EPN 15RUINCIN, the minimum firebox temperature of 2,200 degrees Fahrenheit was not met for two hours, and the minimum sulfur recovery efficiency was not met for 104 days.

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 an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 8

365 Number of violation days

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

Violation Base Penalty \$20,000

Eight quarterly events are recommended (four quarters for each EPN).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$20,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$98,600

This violation Final Assessed Penalty (adjusted for limits) \$98,600

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.
Case ID No.: 42325
Reg. Ent. Reference No.: RN102457520
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	5-Jan-2010	31-Jan-2012	2.07	\$104	n/a	\$104

Notes for DELAYED costs

Estimated expense to maintain compliance with the allowable rates, limits, and operating parameters for EPNs 61STACKBLR and 15RUINCIN. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

\$104

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 115.112(a)(1), 116.116(a)(1), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit by Rule 30 Tex. Admin. Code § 106.472, and FOP No. O1267, Special Terms and Conditions No. 29

Violation Description

Failed to operate an emission source as represented in the authorization, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored volatile organic compounds ("VOC") in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An estimated 6,972 lbs of VOC were released over 840 hours.

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 an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

34 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 from the first date of non-compliance, November 16, 2010, to the date of compliance, December 20, 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 completed corrective measures on December 20, 2010, prior to the August 2, 2011 NOE date.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$11,700

This violation Final Assessed Penalty (adjusted for limits) \$11,700

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.
Case ID No.: 42325
Reg. Ent. Reference No.: RN102457520
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	16-Nov-2010	20-Dec-2010	0.09	\$23	n/a	\$23

Notes for DELAYED costs

Estimated expense to comply with the authorized parameters represented for Spent Acid Tank 923. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures 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

\$5,000

TOTAL

\$23

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 56385, Special Conditions No. 1, and FOP No. O1267, Special Terms and Conditions No. 29

Violation Description

Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the total release of 270,259 lbs of VOC.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

229 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$750

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

Notes

The Respondent completed corrective measures on August 10, 2011, after the August 2, 2011 NOE date.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$65

Violation Final Penalty Total \$36,225

This violation Final Assessed Penalty (adjusted for limits) \$36,225

Economic Benefit Worksheet

Respondent Total Petrochemicals USA, Inc.
Case ID No. 42325
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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-Apr-2010	10-Aug-2011	1.30	\$65	n/a	\$65

Notes for DELAYED costs Estimated expense to maintain compliance with the allowable rates. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures 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	\$65
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Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (C), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit Nos. 9199A and PSDTX453M6, Special Conditions No. 2, and FOP No. O1267, Special Terms and Conditions No: 29

Violation Description

Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO2 hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the total release of 173.28 lbs of CO and 0.62 lbs of SO2.

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 an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

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 \$5,000

Two quarterly events are recommended (for the exceedance in January 2010 and December 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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$103

Violation Final Penalty Total \$24,650

This violation Final Assessed Penalty (adjusted for limits) \$24,650

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.

Case ID No.: 42325

Req. Ent. Reference No.: RN102457520

Media: Air
Violation No.: 6

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	8-Jan-2010	31-Jan-2012	2.06	\$103	n/a	\$103

Notes for DELAYED costs

Estimated expense to maintain compliance with the allowable rates for EPN 13UNIBH301. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures are estimated 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

\$1,000

TOTAL

\$103

Screening Date 18-Aug-2011

Docket No. 2011-1477-AIR-E

PCW

Respondent Total Petrochemicals USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42325

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102(f)(1)(i); Tex. Health & Safety Code § 382.085(b); Air Permit Nos. 46396 and PSDTX1073M1, Special Conditions Nos. 1, 24, and 26, and FOP No. Q1267, Special Terms and Conditions No. 29

Violation Description

Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO2 hourly emission rate of 55.31 lbs/hr for six hours and exceeded the H2S hourly emission rate of 0.03 lbs/hr for six hours at EPN 25RUINCIN, resulting in the total release of 454.56 lbs of SO2 and 0.24 lb of H2S. The SO2 concentration limit of 250 ppm was exceeded for eight hours. The minimum firebox temperature of 1,400 degrees Fahrenheit was not met for 10 hours.

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 an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

1

91 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$12,325

This violation Final Assessed Penalty (adjusted for limits) \$12,325

Economic Benefit Worksheet

Respondent: Total Petrochemicals USA, Inc.
Case ID No.: 42325
Req. Ent. Reference No.: RN102457520
Media: Air
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	22-Nov-2010	31-Jan-2012	1.19	\$60	n/a	\$60

Notes for DELAYED costs

Estimated expense to maintain compliance with the allowable rates, limits, and operating parameters for EPN-25RUINCIN. The Date Required is the first date of non-compliance. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

\$60

Total Petrochemicals USA, Inc.

Case No. 42325, RN102457520

Violation No. 1

EPN

55RGNFLUGS

Quarters

Pollutant	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	Total Hours of Exceedance
CO (allowables: 143.69 lbs/hr, 500 ppm)					
Avg. Emissions Rate (lbs/hr)	163.4	217.23	213.25	x	9
Avg. Concentration (ppm)	x	550.6	x	x	2
NOx (allowables: 70 ppm)					
Avg. Concentration (ppm)	x	78.7	x	x	2
SO2 (allowables: 81.92 lbs/hr, 50 ppm)					
Avg. Emissions Rate (lbs/hr)	x	291.3	x	x	3
Avg. Concentration (ppm)	55.2	170.6	x	x	6

EPN

17REFHTERS

Quarters

Pollutant	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	Total Hours of Exceedance
CO (allowable: 45.75 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	x	x	x	23	2
NOx (allowable: 14.85 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	23.95	18.88	x	x	14

EPN - emissions point number

CO - carbon monoxide

NOx - nitrogen oxide

SO2 - sulfur dioxide

lbs/hr - pounds per hour

ppm - parts per million

x - no exceedance

Avg. - average

Total Petrochemicals USA, Inc.

Case No. 42325, RN102457520

Violation No. 2

EPN	Permit No.	Allowable Emissions Rate (lbs/hr)	Duration (hrs)	Avg. Emissions Rate (lbs/hr)	Emissions (lbs)
01ACU1202A	3615	4.94	1	5.97	1.03
01ACU1H101	9194A	3.9	1	4.87	0.97
10DEMEXH-2	8983A	1.68	2	2.77	2.17
10DEMEXH-4	8983A	2.18	2	3.36	2.36
				Total	6.53

Total Petrochemicals USA, Inc.

Case No. 42325, RN102457520

Violation No. 3

EPN

61STACKBLR

Quarters

Pollutant	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	Total Hours of Exceedance
CO (allowables: 35.54 lbs/hr, 100 ppm)					
Avg. Emissions Rate (lbs/hr)	x	x	217.23	x	6
Avg. Concentration (ppm)	x	x	205	133.23	109
NOx (allowable: 43 ppm)					
Avg. Concentration (ppm)	55.9	56.17	49.69	47.7	1,548

EPN

15RUINCIN

Quarters

Pollutant	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	Total Hours of Exceedance
CO (allowable: 40.37 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	46.04	54.36	42.5	54.31	46
SO2 (allowables: 37.8 lbs/hr, 250 ppm)					
Avg. Emissions Rate (lbs/hr)	44.05	47.32	42.08	86.24	68
Avg. Concentration (ppm)	437.34	432.07	x	413.02	178
H2S (allowable: 1.06 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	1.24	1.34	1.18	2.42	68

EPN - emissions point number

CO - carbon monoxide

SO2 - sulfur dioxide

H2S - hydrogen sulfide

lbs/hr - pounds per hour

ppm - parts per million

x - no exceedance

Avg. - average

Compliance History

Customer/Respondent/Owner-Operator: CN600582399 TOTAL PETROCHEMICALS USA, INC. Classification: AVERAGE Rating: 3.62

Regulated Entity: RN102457520 TOTAL PETRO CHEMICALS USA Classification: AVERAGE Site Rating: 27.26
 PORT ARTHUR REFINERY

TXR15NF16

ID Number(s):	STORMWATER	PERMIT	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD065099160
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30002
		(SWR)	
	WASTEWATER	PERMIT	WQ0000491000
	WASTEWATER	EPA ID	TX0004201
	AIR NEW SOURCE PERMITS	REGISTRATION	93624
	AIR NEW SOURCE PERMITS	REGISTRATION	93612
	AIR NEW SOURCE PERMITS	REGISTRATION	51145
	AIR NEW SOURCE PERMITS	EPA ID	PAL4
	AIR NEW SOURCE PERMITS	REGISTRATION	51146
	AIR NEW SOURCE PERMITS	REGISTRATION	92262
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1005
	AIR NEW SOURCE PERMITS	PERMIT	N044
	AIR NEW SOURCE PERMITS	REGISTRATION	93152
	AIR NEW SOURCE PERMITS	PERMIT	2347
	AIR NEW SOURCE PERMITS	PERMIT	3615
	AIR NEW SOURCE PERMITS	REGISTRATION	11273
	AIR NEW SOURCE PERMITS	PERMIT	16840
	AIR NEW SOURCE PERMITS	PERMIT	5694A
	AIR NEW SOURCE PERMITS	PERMIT	8983A
	AIR NEW SOURCE PERMITS	PERMIT	9195A
	AIR NEW SOURCE PERMITS	PERMIT	9194A
	AIR NEW SOURCE PERMITS	PERMIT	9193A
	AIR NEW SOURCE PERMITS	PERMIT	17352
	AIR NEW SOURCE PERMITS	PERMIT	17920
	AIR NEW SOURCE PERMITS	PERMIT	18936
	AIR NEW SOURCE PERMITS	PERMIT	19490
	AIR NEW SOURCE PERMITS	PERMIT	19965
	AIR NEW SOURCE PERMITS	PERMIT	20381
	AIR NEW SOURCE PERMITS	REGISTRATION	35330
	AIR NEW SOURCE PERMITS	REGISTRATION	35329
	AIR NEW SOURCE PERMITS	REGISTRATION	36873
	AIR NEW SOURCE PERMITS	REGISTRATION	41280
	AIR NEW SOURCE PERMITS	PERMIT	43109
	AIR NEW SOURCE PERMITS	REGISTRATION	44046
	AIR NEW SOURCE PERMITS	REGISTRATION	45378
	AIR NEW SOURCE PERMITS	REGISTRATION	46060
	AIR NEW SOURCE PERMITS	PERMIT	46396
	AIR NEW SOURCE PERMITS	REGISTRATION	47520
	AIR NEW SOURCE PERMITS	REGISTRATION	48600
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0005H
	AIR NEW SOURCE PERMITS	PERMIT	49136
	AIR NEW SOURCE PERMITS	PERMIT	54026
	AIR NEW SOURCE PERMITS	REGISTRATION	54742
	AIR NEW SOURCE PERMITS	REGISTRATION	84487
	AIR NEW SOURCE PERMITS	REGISTRATION	55151
	AIR NEW SOURCE PERMITS	REGISTRATION	55631
	AIR NEW SOURCE PERMITS	REGISTRATION	55916
	AIR NEW SOURCE PERMITS	PERMIT	55684
	AIR NEW SOURCE PERMITS	REGISTRATION	75532
	AIR NEW SOURCE PERMITS	REGISTRATION	75523
	AIR NEW SOURCE PERMITS	AFS NUM	4824500037
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX058
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX688
	AIR NEW SOURCE PERMITS	PERMIT	56385
	AIR NEW SOURCE PERMITS	REGISTRATION	56735
	AIR NEW SOURCE PERMITS	REGISTRATION	71547
	AIR NEW SOURCE PERMITS	REGISTRATION	71654
	AIR NEW SOURCE PERMITS	REGISTRATION	71651
	AIR NEW SOURCE PERMITS	REGISTRATION	71559
	AIR NEW SOURCE PERMITS	REGISTRATION	70700
	AIR NEW SOURCE PERMITS	REGISTRATION	55129
	AIR NEW SOURCE PERMITS	REGISTRATION	56248
	AIR NEW SOURCE PERMITS	REGISTRATION	54086
	AIR NEW SOURCE PERMITS	REGISTRATION	55072
	AIR NEW SOURCE PERMITS	REGISTRATION	53687
	AIR NEW SOURCE PERMITS	REGISTRATION	72471
	AIR NEW SOURCE PERMITS	REGISTRATION	72930
	AIR NEW SOURCE PERMITS	REGISTRATION	73221
	AIR NEW SOURCE PERMITS	REGISTRATION	72436
	AIR NEW SOURCE PERMITS	REGISTRATION	52593
	AIR NEW SOURCE PERMITS	REGISTRATION	73844
	AIR NEW SOURCE PERMITS	REGISTRATION	73787
	AIR NEW SOURCE PERMITS	REGISTRATION	73928

AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS	REGISTRATION	74767
AIR NEW SOURCE PERMITS	REGISTRATION	73890
AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	REGISTRATION	75106
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M2
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR NEW SOURCE PERMITS	REGISTRATION	94600
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762
AIR NEW SOURCE PERMITS	REGISTRATION	90674
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1073M1
AIR NEW SOURCE PERMITS	REGISTRATION	91082
AIR NEW SOURCE PERMITS	REGISTRATION	91247
AIR NEW SOURCE PERMITS	REGISTRATION	84507
AIR NEW SOURCE PERMITS	REGISTRATION	54827
AIR NEW SOURCE PERMITS	REGISTRATION	91045
AIR NEW SOURCE PERMITS	REGISTRATION	95555
AIR NEW SOURCE PERMITS	REGISTRATION	83832
AIR NEW SOURCE PERMITS	REGISTRATION	85036
AIR NEW SOURCE PERMITS	REGISTRATION	84944
AIR NEW SOURCE PERMITS	REGISTRATION	47047
AIR NEW SOURCE PERMITS	REGISTRATION	87865
AIR NEW SOURCE PERMITS	EPA ID	PSDTX453M6
AIR NEW SOURCE PERMITS	REGISTRATION	72108
AIR NEW SOURCE PERMITS	REGISTRATION	51719
AIR NEW SOURCE PERMITS	REGISTRATION	51263
AIR NEW SOURCE PERMITS	REGISTRATION	90747
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
WASTEWATER LICENSING	LICENSE	WQ0000491000
WATER LICENSING	LICENSE	1230048
POLLUTION PREVENTION PLANNING	ID NUMBER	P00241
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0005H

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 08, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 08, 2006 to August 08, 2011

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

Name: John Muennink Phone: (713) 422-8970

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?

OWN	Fina Oil & Gas Chemical Co.
OWNOPR	American Petrofina Holding Company
OWNOPR	Fina Oil and Chemical Company
OWNOPR	TOTAL PETROCHEMICALS USA, INC.
4. If Yes, who was/were the prior owner(s)/operator(s)?

OWNOPR	Atofina PAR L.P.
--------	------------------
5. When did the change(s) in owner or operator occur?

06/29/2007	OWNOPR	Atofina PAR L.P.
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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: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

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

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

Classification: Major

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

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

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

Classification: Major

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

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

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

Effective Date: 10/23/2008

ADMINORDER 2007-1427-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 12E PERMIT

56385, Special Condition 15 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 1A OP

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 56385, Special Condition 4 PERMIT

56385, Special Condition 5 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 8F PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 49743, Special Condition 8 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

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

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 56385, Special Condition 12F PERMIT
56385, Special Condition 15 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

Description: Failure to conduct fugitive monitoring on components. MIN (3)(A), EIC C1
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. MOD (2)(G), EIC B18
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 56385, Special Condition 13 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G), EIC B18
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to obtain permit authorization for four carbon canisters. MOD (2)(D), EIC A2.a
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 19965, Special Condition 2 PERMIT
19965, Special Condition 5H PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

Description: Failure to repair leaking components within 15 days after the leak was discovered. MOD (2)(G) EIC C4
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP

Description: Failure to conduct a visual inspection at least once every six months on an external floating roof tank. MOD(2)(E), EIC B1
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-01267, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and

accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, SC 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 2347, SC 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Classification: Moderate

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

Rqmt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 9195A and PSD-TX-453M6, SC 3 PERMIT
O-01267, General Terms and Conditions OP
O-01267, SC 1A OP
O-01267, SC 27 OP

Description: Failure to limit the discharge of any gases into the atmosphere to 250 ppm by volume (dry basis) of SO2 at zero % excess air, from any Claus Sulfur Recovery plant. MOD (2)(D), EIC A8c.(1)(B)

Classification: Minor

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

Rqmt Prov: O-01267, General Terms and Conditions OP
O-01267, Special Condition 2F OP

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

Classification: Moderate

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

Rqmt Prov: 16840 and PSD-TX-688M2, GC 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 27 OP

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

Effective Date: 11/06/2008

ADMINORDER 2008-0243-AIR-E

Classification: Moderate

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

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

Description: Failed to comply with the South Flare (EPN 53SOUTHFLR) MAER for SO2 on March 30, 2007. Specifically, the MAER is 10.66 lbs/hr. During the event which lasted one hour 15 minutes, the South Flare released 898.80 lbs of SO2, resulting in 885.47 lbs of unauthorized emissions. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 7E PERMIT
O-02222, Special Condition 14 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 6 PERMIT
O-02222, Special Condition 14 OP
O-02222, Special Condition 1A OP

Description: Failed to conduct inspections of external floating roof tanks once every six months. Specifically, in 2006, Tank Nos. 800, 801, 802, and 805 were inspected only once in November, and Tank Nos. 800 and 802 were not inspected during the first six months of 2007. MOD (2)(E), EIC B1

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter K 106.261(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-02222, Special Condition 14 OP
20381, PSD-TX-1005, N-044, SC 1 PERMIT
O-02222, General Terms and Conditions OP
PBR Registration 74442 PERMIT

Description: Failed to comply with the Condensate Splitter Heater combined SO2 maximum allowable emission rate ("MAER") of 6.08 lbs/hr. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 2007 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr. MOD (2)(D), EIC A8c.(2)(A)(ii) (Violation incorrectly cited as 106.261(2) in Order.

Classification: Moderate

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

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

Description: Failed to comply with the South Flare MAER for SO2, H2S, and NOx. Specifically, the MAERs for SO2, H2S, and NOx are 10.66 lbs/hr, 0.12 lbs/hr, and 32.99 lbs/hr, respectively. During the event which lasted one hour 20 minutes, the South Flare released 604.33 lbs of SO2, 6.60 lbs of H2S, and 65.00 lbs of NOx, resulting in unauthorized emissions of 590.12 lbs of SO2, 6.44 lbs of H2S, and 21.01 lbs/NOx. The demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Description: Failed to comply with the SO2 MAER for the North & South Flares on August 17 and 29, 2007. The North Flare (EPN 41NORTHFLR) and South Flare have a total combined rate of 10.66 lbs of SO2 per hour. NSRP No. 54026 does not allow any emissions from the Sulfur Recovery Unit 3 ("SRU-3") Reactor. During an emissions event that lasted 9 hours and 35 minutes on August 17, the North Flare released a total of 4,138.74 lbs of SO2, of which 4,036.62 lbs were unauthorized. EIC A8(c)(2)(A)(ii) MOD(2)(D)

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

Description: Failed to submit the final report within two weeks after the end of a reportable emissions event and to include the proper authorization limits in the report. Specifically, the final report for the emissions event which occurred on August 1, 2007 should have been submitted by August 15, 2007, but was not submitted until August 20, 2007 and had the wrong H2S limit listed.

Effective Date: 11/17/2008 ADMINORDER 2008-0726-AIR-E

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

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

Description: Failure to report emission events timely.

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

Rqmt Prov: 49743, Special Condition 1 PERMIT

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

Effective Date: 03/23/2009 ADMINORDER 2008-1382-AIR-E

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

Rqmt Prov: General Terms and Conditions OP

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

Effective Date: 04/05/2009 ADMINORDER 2008-0989-AIR-E

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

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

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

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

Rqmt Prov: 56385, SC 3 PERMIT

O-01267, SC 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 07/20/2009

ADMINORDER 2007-0172-AIR-E

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 54026 PERMIT
Permit No. 9195A/PSD-TX-453M6 SC 1 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions from the South Flare on November 9, 2003. During the event at the Area 1 NAC, the Flare Gas Recovery System was down so that emissions were routed to the South Flare which exceeded the maximum allowable emission limits of 32.99 and 10.66 lbs/hr for SO₂ and NO_x, respectively. During the incident, the South Flare released 6,785.7 lbs of SO₂, and 169 lbs of NO_x.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT
9195A, Special Condition 1 PERMIT
PSD-TX-453M6 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions release from the SCOT Tailgas Incinerator and North Flare on October 16, 2003 when an operator inadvertently closed a fuel gas supply control valve to the SCOT unit. The SCOT Tailgas Incinerator has emissions limits of 38.0 and 1.88 lbs/hr for SO₂ and H₂S, respectively. During an 8.5 hr period, from noon to 8:30 p.m. the incinerator released 6,735 lbs of SO₂ and 100 lbs of H₂S. The North Flare has an emission limit of 10.66 lbs/hr for SO₂. D

Classification: Moderate

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

Rqmt Prov: 9195A/PSD-TX-453M6 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 17352, Special Condition 4C PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 43109, Special Condition 3A PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 5B PERMIT

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

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Exemption 106 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 54026 PERMIT
9195A/PSD-TX-453M6 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Description: TOTAL has failed to properly report an emission event which occurred on February 25-27, 2003.

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Description: TOTAL has failed to properly report an emissions event at Compressor C-301 at the ACU-2 unit which began on December 22, 2003, and ended on December 23, 2004.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 54026, SC 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20
30 TAC Chapter 111, SubChapter A 111.111(a)(4)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 54026, SC 4 PERMIT

54026, SC 5C PERMIT

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

Classification: Moderate

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

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

Description: TOTAL has failed to maintain an emission rate below the allowable rate for the South Flare (EPN 142) during an emissions event which started on September 21, 2003.

Classification: Moderate

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

Rqmt Prov: 9193A/PST-TX-453M6 PERMIT

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

Classification: Minor

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

Description: TOTAL has failed to properly notify the TCEQ Regional Office within 24 hrs of the reportable emissions events of February 8 - 22, 2003, with respect to EPN 307 and the reportable emission events of September 21, 2003, with respect to EPNs 307 and 142.

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Description: TOTAL has failed to maintain an emission rate below the allowable limit on December 31, 2003, when EPN 41NORTHFLR released 27,704.51 lbs of SO₂ for 4.55 hrs in excess of its 4.13 lbs/hr limit; CO, NO_x and VOC emissions were not reported.

Classification: Moderate

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

Rqmt Prov: 43109, Special Condition 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission event releases in excess of the MAERT limit of 38 lbs/hr for SO₂ and 1.88 lbs/hr for H₂S: on May 23, 2004, during a 2 hr and 22 min period, 93.49 lbs of H₂S and 9,380 lbs of SO₂.

Classification: Moderate

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

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

Description: TOTAL has failed to maintain an emission rate below the permitted limit. The SCOT Tailgas Incinerator (EPN 125) had the following unauthorized emission events in excess of the MAERT limit of 38 lb/hr for SO₂ and 1.88 lb/hr for H₂S: on April 1, 2004, during a 5 hr and 5 min period, 211.65 lb of H₂S and 21,036 lb of SO₂.

Classification: Minor

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on January 26, 2004, (EPN) 55RGNFLUGS at the FCCU released 13,491.01 lbs of CO in excess of limits and 12,714.71 lbs of SO₂ in excess of limits, intermittently for 72 hrs during a 356 hr period; no information available on the amount of PM released.

Classification: Moderate

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

Description: TOTAL has failed to prevent unauthorized emissions releases. Eleven emissions events occurred between February 12 and July 23, 2004, during which SO₂, H₂S, VOCs, CO, and NO_x from EPNs 41NORTHFLARE, 53SOUTHFLR, or 53MIDFLARE.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 49743 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Description: TOTAL has failed to prevent unauthorized emission releases. Beginning on June 13, 2003, during a 3 hr 2 min period, the South Flare, EPN 142, released 5,073.07 lbs of SO₂ in excess of the limit of 0.34 lbs/hr.

Classification: Moderate

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

Rqmt Prov: 9195A/PSD-TX453M6, SC 1 PERMIT

Description: TOTAL has failed to maintain an emission rate below the allowable emission limits. Two emissions events occurred at the Tail Gas Thermal Oxidizer (EPN 125): (1) on July 14, 2004, during a 10.76 hr period, 44,784.01 lbs of SO₂ and 469.74 lbs of H₂S were emitted in excess of limits; (2) on July 23, 2004, for a 12.27 hr duration, 63,673.00 lbs of SO₂ and 672.32 lbs of H₂S were emitted above limits.

Classification: Minor

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.211(b)(5)
30 TAC Chapter 101, SubChapter F 101.211(b)(8)
30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: TOTAL has failed to include all of the required information in the final reports submitted for the emission event reporting. Specifically, the missing information included failure to identify the Facility Identification Number or the EPN, contain the compound descriptive type, and the estimated total quantities emitted for Incident Numbers: 40432, 41321, 41322, 41324, 41325, 41343, 41344, 41461, 41462, 42608, 42751, 42824, 42922, 42923, 42925, 43572, 45280, 38844, 38845, 38846, 38847, 38848, 39

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936, PSD-TX-762M2, General Condition 8 PERMIT
49743, Maximum Allowable Emission Rates PERMIT
54026, SPECIAL CONDITION 1 PERMIT
9195A, PSD-TX-453M6 (SC-1) PERMIT
PSD-TX-453M6, MAES - Special Condition 2 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 54026 PERMIT

Description: TOTAL has failed to prevent unauthorized emissions above permitted limits during two emissions events. Specifically, beginning on September 16, 2004, EPN 53SOUTHFLR at the Area 1 East End Complex released approx. 254 lbs of H2S and 2,247 lbs of VOC in excess of permitted limits during a 1.08 hr period; beginning on November 14, 2004, EPN 41NORTHFLR at the Area 2 FCCU released approx. 86 lbs of H2S, 1,574 lbs of SO2, and 7964 lbs of VOC in excess of permitted limits during a 20.27 hr period.

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 18936/PSD-TX-762M2, Special Condition 1A PERMIT
18936/PSD-TX-762M2, Special Condition 8 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: 49743 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: BY RULE 106.371 PERMIT

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

Classification: Moderate

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

Rqmt Prov: NSR Permit No. 54026 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: O-02222 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 54026 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 18963\PSD-TX-762M3, General Condition 8 PERMIT

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

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

Classification: Moderate

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

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

Description: TOTAL has failed to prevent unauthorized emissions of 7.35 lbs of H2S and 675.88 lbs of SO2 during a 14.57 hr emissions event which occurred at the South Flare during the startup of Unit 804 on December 29, 2006.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT
9195A and PSD-TX-453M6, SC 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

Effective Date: 10/04/2009 ADMINORDER 2009-0491-AIR-E

Classification: Moderate

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

Rqmt Prov: O-02222 OP

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

Effective Date: 10/31/2009 ADMINORDER 2008-0413-AIR-E

Classification: Major

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

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

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

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01267, Special Condition 2(F) OP
Description: Failure to properly report an emission event.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 56409, Special Condition 1 PERMIT
O-01267, Special Condition 27 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 20381, Special Condition 1 PERMIT
O-02222, Special Condition 14 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 9195A, Special Condition 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 26 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 1267, General Terms and Conditions OP
1267, Special Terms and Conditions 27 OP
49136, General Condition 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii)
MOD(2)(D)

Effective Date: 03/20/2010 ADMINORDER 2009-1446-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT
Special Condition 26 OP
Description: Failure to maintain allowable emissions rates.

Effective Date: 07/11/2010 ADMINORDER 2009-1921-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Conditions OP
Special Condition 1 PERMIT
Special Condition 28 OP
Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Conditions OP
Special Condition 1 PERMIT
Special Condition 28 OP
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii)
MOD (2)(D)

Effective Date: 08/09/2010 ADMINORDER 2009-2089-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 14 OP
Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).

Effective Date: 08/30/2010 ADMINORDER 2010-0257-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 28 OP
Special Condition PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii) MOD
(2)(D)
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)
Rqmt Prov: Special Condition 2F OP
Description: Failure to properly report emission events. EIC C3 MIN (3)(C)

Effective Date: 08/30/2010 ADMINORDER 2006-0561-AIR-E

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, SubChapter A 382.085(b)
Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT
O-02222/Special Condition 14 OP
Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN
40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and
November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units
("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx
heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(1)

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

Rqmt Prov: FOP O2222 General Terms and Conditions OP

O-01267, General Terms and Conditions OP

O-01267, Special Condition 9A OP

Description: Failure to include a certificate of accuracy and completeness signed by a responsible official in reports submitted to the ED. Specifically, the following reports were not certified by a responsible official: the 05/14/04 to 11/14/04, and 11/15/04 to 05/14/05, deviation reports for FOP No. 2222; the 05/14/04 to 05/14/05, annual compliance certification for FOP No. 2222; the 11/22/04 to 05/22/05, deviation report for FOP No. 1267; and the CEMS Certification Report submitted 10/28/05.

Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.120

30 TAC Chapter 115, SubChapter B 115.114(a)(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT

O-02222/Special Condition 14 OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct the annual seal gap measurements on Tanks 800, 801, and 802 for the period covering May 14, 2004 to May 14, 2005.

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: 20381/PSD-TX-1005/N044 PERMIT

O-02222, Special Condition 14 OP

Description: Failure to comply with the PM and VOC emission rates. Specifically, on February 17 and March 18, 2005, the Plant experienced heater duty exceedances during which the PM and VOC emission rates limits of 2.32 and 0.57 lb/hr, respectively, were exceeded for the condensate splitter heater EPN 40CSPLth-1.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

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

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

Description: Failure to list a rule citation in the November 14, 2004 to May 14, 2005, semiannual deviation report for FOP No. 2222. Specifically, TOTAL failed to list 30 Tex. Admin. Code § 115.114(a)(2) as part of the requirements to physically measure Tanks 800, 801, 802, and 805 for seal gaps on an annual basis. Also, for the November 22, 2004 through May 22, 2005, reporting period TOTAL failed to report deviations for FOP 1267.

Classification: Moderate

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

Description: Failure to maintain the VOC emission rate at the FPM Cooling Tower. Specifically, due to leakage during a 44 hr, 6 minute period from January 12-14, 2005, the tower released 2,125.93 lbs of VOCs, which is 1,792.5 lbs above permitted limits.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 56382, Special Condition 19B PERMIT

56385, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct and record daily calculations of Mixed Liquid Suspended Solids, food-to-microorganism ratios, and residence time. Specifically, records were not created and maintained for Aeration Tanks 403A, 403B, and 403C from November 22, 2004 through May 22, 2005.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 5694A, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

Description: Failure to comply with the fired duty rate at four emission units.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct annual seal gap measurements on Tanks 22TANK0503, 67TANK0504, 67TANK0505, 20TANK2001, AND 20TANK2002.

Classification: Moderate

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

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct semiannual visual tank seal inspections. Specifically, TOTAL failed to conduct visual inspections between November 22, 2004 and May 22, 2005, on 28 floating roof tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 16840/PSD-TX-688M2, Special Condition 2 PERMIT
16840/PSD-TX-688M2, Special Condition 4B PERMIT
18936/PSD-TX-762M2, Special Condition 7 PERMIT
18936/PSD-TX-762M2, Special Condition 8 PERMIT
2347, Special Condition 5 PERMIT
3615/PSD-TX-058, Special Condition 2 PERMIT
43109, Special Condition 3A PERMIT
43109, Special Condition 3B PERMIT
43109, Special Condition 5 PERMIT
55684, Special Condition 7 PERMIT
9194A/PSD-TX-453M6, Special Condition 3 PERMIT
9195A/PSD-TX-436M6 PERMIT
O-01267, Special Condition 27 OP

Description: Failure to maintain emission limits in seven emissions areas.

Classification: Moderate

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

Rqmt Prov: O-01267, Special Condition 1D OP

Description: Failure to submit a FOP revision application no later than April 11, 2005, to codify 40 C.F.R. ch. 63, subpart UUU, into the permit.

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 5D PERMIT
54026, Special Condition 6 PERMIT
O-01267, Special Condition 27 OP

Description: Failure to install and operate a continuous flow monitor/analyzer within 18 months (April 8, 2005) of permit issuance on October 2, 2003. Specifically, analyzers had not been installed on the North, Middle, or South flares.

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: 9195A/PSD-TX-453M6, Special Condition 6 PERMIT
O-01267, Special Condition 27 OP

Description: Failure to maintain the minimum sulfur recovery efficiency of the Sulfur Recovery Unit

("SRU"). Specifically, from June 30 until July 5, 2005, the sulfur recovery efficiency at the SRU (SRU 1 and 3) was less than 99.9%.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to conduct annual monitoring of benzene containers. Specifically, TOTAL failed to conduct annual monitoring on vacuum trucks managing benzene waste at the Plant for the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to conduct quarterly visual inspections of benzene containers. Specifically, TOTAL failed to conduct quarterly visual inspections on vacuum trucks managing benzene waste at the Plant during the first three quarters of the period between November 22, 2004 and November 21, 2005.

Classification: Moderate

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

Rqmt Prov: 56385, Special Condition 12L PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct quarterly visual inspections of unburied sewer lines. Specifically, TOTAL did not conduct quarterly visual inspections on unburied VOC-bearing sewer lines on the Wastewater Collection and Treatment System between November 22, 2004 and November 21, 2005.

Classification: Moderate

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

Rqmt Prov: 56385, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

Description: Failure to conduct daily VOC breakthrough monitoring. Specifically, the Carbon Absorption System (CAS) at the Plant was not monitored on weekends from November 22, 2004 through November 21, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 15(a) OP

Description: Failure to install a car-seal on the CAS. Specifically, from May 22 to November 21, 2005, the CAS did not have a car-seal or other closure to serve as a flow indicator of bypass conditions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct monthly valve monitoring. Specifically, TOTAL is limited to seven (less than 3%) difficult-to-monitor valves; however, eight valves (3.2%), listed as difficult-to-monitor, out of 243 valves at the 829 Amine Unit, were not monitored on a monthly basis during the first quarter of the November 22, 2004 to November 21, 2005 period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to explain and authorize the delay of repair of VOC component leaks in a semiannual report. Specifically, the delay of repair explanation and authorization signature were not submitted for five components at 812-ACU1 in the deviation report for FOP 1267 covering May 22 to November 21,

2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to notify the agency 30 days prior to a seal gap test. Specifically, TOTAL failed to notify the TCEQ of TOTAL's intent to conduct a seal gap test on Tanks 22TANK0505, 22TANK0482, and 22TANK0530.

Classification: Moderate

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

Rqmt Prov: O-01267, Special Condition 24 OP

Description: Failure to maintain the proper temperature at the Reformer Unit. Specifically, from September 5 to September 7, 2005, the Reformer Unit did not maintain the proper required temperature established by testing.

Classification: Moderate

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

Rqmt Prov: O-01267, Special Condition 24 OP

Description: Failure to use an EPA-approved method to identify chlorides. Specifically, on 99 occasions from May 22 until November 21, 2005, TOTAL did not use an EPA-approved method to identify chlorides on the Catalytic Cracking Regenerator ("CCR") catalyst.

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 4 PERMIT
O-01267, Special Condition 27 OP

Description: Failure to maintain the proper temperature at the Dock Flare 2 Stack. Specifically, on 50 occasions from May 22 to November 21, 2005, the firebox exit temperature was less than 1580 degrees F.

Classification: Moderate

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

Rqmt Prov: 17920, Special Condition 9A PERMIT
O-01267, Special Condition 27 OP

Description: Failure to conduct audio, visual, and olfactory (AVO) checks at least once per shift. Specifically, AVO checks for VOC, ammonia, and hydrogen sulfide at the Sour Water Stripper Facility were not conducted from May 22, to July 21, 2005.

Classification: Moderate

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

Rqmt Prov: 2347, Special Condition 8A PERMIT
O-01267, Special Condition 27 OP

Description: Failure to conduct AVO checks for leaks every four hours. Specifically, AVO checks at the DHT-1 and DHT-2 Units were not conducted from May 22 until July 27, 2005.

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: 9195A/PSD-TX-453M6, SC 5 PERMIT
O-01267, SC 27 OP

Description: Failure to maintain reactor flame temperature. Specifically, from December 6, 2004 to January 31, 2005, February 13 through 23, 2005, March 18 to April 29, 2005, and May 6 through 23, 2005, the reactor flame temperature of 2200 degrees F (amended on July 7, 2005, to 2114 degrees F) was not maintained at SRU 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)

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

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct visual inspections on internal floating roof tank seals. Specifically, TOTAL failed to conduct annual visual inspections on the roof seals for tanks 22TANK0926, 50TANK0928, 50TANK0929, and 50TANK0930 for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct annual seal gap measurements on external floating roofs. Specifically, TOTAL failed to conduct annual seal gap measurements on 23 tanks for the period ending May 22, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, Special Condition 1A OP

Description: Failure to conduct seal gap inspections on external floating roof storage tanks. Specifically, TOTAL failed to conduct annual seal gap inspections for the period ending May 22, 2005, for tank 22TANK0938.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit correct semi-annual reports. Specifically, TOTAL failed to specify in two semi-annual reports from November 22, 2004 to November 21, 2005, whether actions taken during shutdowns, startups, and maintenance (SSM) were performed according to SSM plans.

Effective Date: 05/08/2011

ADMINORDER 2009-0131-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A-106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions No. 8 PERMIT
Special Condition 1 PERMIT
Special Condition 27 OP

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic compounds ("VOCs") were exceeded for 12 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0537 by 0.18 ton, 22TANK0541 by 5.16 tons, 22TANK0542 by 4.95 tons, 22TANK0906 by 0.65 ton, 22TANK0907 by 0.65 ton, 22TANK0917 by 1.37 tons, 22TANK0918 by 1.72 tons, 22TANK0934 by 0.39 ton, and 20TANK2000 by 0.1 ton.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 27 OP
Special Condition 8 PERMIT

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for five combustion sources were exceeded during 2006: 17REFREGEN by 2.7 tons for carbon monoxide ("CO"), 17REFREGEN by 0.8 ton for hydrogen chloride, 22BZNTKFLR by 0.77 ton for CO, 45DOCKFLR2 by 0.41 ton for VOC, 45DOCKFLR2 by 2.55 tons for nitrogen oxides ("NOx"), 51DHT1H-3 by 1.52 tons for NOx, 52DHT2H-2A by 3.83 tons for NOx.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01267 General Terms and Conditions OP
O-01267 Special Condition 2F OP

Description: Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 115548. The Respondent failed to accurately document emission point names and numbers where the unauthorized emissions were released to the atmosphere, the compound descriptive type of all compounds released during the event, and the respective quantities of those compounds released

Classification: Moderate

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

Rqmt Prov: O-01267 General Terms and Conditions OP
O-01267 Special Condition 26 OP
Permit 54026 Special Condition 1 PERMIT
Permit 9195A Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 115548. Specifically, an emissions event at the North Flare (41NORTHFLR), South Flare (53 SOUTHFLR), and Sulfur Recovery Unit (15SRUINCIN) occurred on October 16, 2008 releasing 37,937.78 pounds ("lbs") of sulfur dioxide and 362.12 lbs of hydrogen sulfide for a period of nine hours and 20 minutes.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/28/2006	(335708)
2	12/29/2006	(431565)
3	06/23/2008	(433051)
4	08/31/2006	(460545)
5	02/05/2007	(466788)
6	02/02/2007	(497612)
7	09/22/2006	(510639)
8	11/15/2006	(517804)
9	08/23/2006	(520110)
10	09/19/2006	(520111)
11	01/12/2007	(531450)
12	01/29/2007	(531801)
13	01/18/2007	(532164)
14	02/01/2007	(537518)
15	02/01/2007	(538715)
16	03/19/2007	(538927)
17	02/14/2007	(539270)
18	04/21/2007	(540306)
19	02/14/2007	(540328)
20	02/23/2007	(540617)
21	07/11/2007	(542342)
22	04/09/2007	(542889)
23	08/14/2007	(543994)
24	10/20/2006	(544367)
25	11/22/2006	(544368)
26	12/21/2006	(544369)
27	01/23/2007	(544370)
28	05/18/2007	(554787)
29	05/17/2007	(554816)
30	06/28/2007	(558540)
31	05/21/2007	(558572)
32	07/11/2007	(560069)
33	08/30/2007	(564577)
34	07/10/2007	(565190)
35	07/23/2007	(567241)
36	08/06/2007	(567736)
37	09/26/2007	(573894)
38	02/21/2007	(575101)
39	03/20/2007	(575102)
40	04/26/2007	(575103)
41	05/18/2007	(575104)
42	06/20/2007	(575105)

43	07/20/2007	(575106)
44	11/08/2007	(594034)
45	11/27/2007	(594170)
46	12/21/2007	(594470)
47	11/16/2007	(595084)
48	10/26/2007	(596024)
49	11/27/2007	(598818)
50	08/20/2007	(601546)
51	09/17/2007	(601547)
52	12/10/2007	(610704)
53	01/16/2008	(612034)
54	01/31/2008	(613691)
55	03/03/2008	(613917)
56	03/10/2008	(614708)
57	02/01/2008	(614929)
58	02/06/2008	(615511)
59	03/03/2008	(616707)
60	03/03/2008	(616879)
61	03/03/2008	(616883)
62	03/03/2008	(617277)
63	04/03/2008	(618981)
64	04/03/2008	(619010)
65	10/23/2007	(619450)
66	11/20/2007	(619451)
67	12/21/2007	(619452)
68	10/23/2007	(619453)
69	04/09/2008	(636187)
70	03/14/2008	(637140)
71	04/09/2008	(637830)
72	04/07/2008	(638446)
73	04/07/2008	(640577)
74	05/23/2008	(640976)
75	06/03/2008	(641229)
76	04/24/2008	(641834)
77	05/08/2008	(646149)
78	05/14/2008	(646173)
79	05/14/2008	(646249)
80	05/14/2008	(646292)
81	06/13/2008	(653949)
82	05/09/2008	(654397)
83	06/18/2008	(654558)
84	02/18/2008	(671960)
85	03/18/2008	(671961)
86	04/17/2008	(671962)
87	02/14/2008	(679796)
88	05/28/2008	(679929)
89	07/18/2008	(680236)
90	06/03/2008	(680279)
91	08/01/2008	(683847)
92	07/09/2008	(683891)
93	01/22/2009	(683914)
94	07/08/2008	(683932)
95	07/20/2008	(686130)
96	08/02/2008	(686525)
97	07/22/2008	(686798)
98	08/08/2008	(689242)
99	08/19/2008	(689537)
100	05/13/2008	(689880)
101	06/16/2008	(689881)
102	07/09/2008	(689882)
103	11/25/2008	(704294)
104	11/25/2008	(707822)
105	12/30/2008	(707925)
106	11/25/2008	(708173)
107	12/08/2008	(709730)
108	12/08/2008	(709732)
109	01/15/2009	(709746)
110	08/11/2008	(710654)
111	09/26/2008	(710655)
112	10/13/2008	(710656)
113	11/03/2008	(710657)
114	12/15/2008	(721187)
115	02/25/2009	(722192)
116	01/23/2009	(723990)
117	02/19/2009	(724010)
118	02/20/2009	(724769)
119	02/20/2009	(724871)
120	12/11/2008	(727425)

121	01/14/2009	(727426)
122	04/03/2009	(735828)
123	03/25/2009	(738580)
124	04/08/2009	(738716)
125	04/02/2009	(741283)
126	04/14/2009	(741430)
127	04/23/2009	(743539)
128	06/03/2009	(743882)
129	06/17/2009	(745434)
130	07/03/2009	(746147)
131	07/28/2009	(747611)
132	06/19/2009	(748246)
133	02/11/2009	(750182)
134	03/15/2009	(750183)
135	04/08/2009	(750184)
136	08/26/2009	(761200)
137	07/28/2009	(761630)
138	10/13/2009	(761853)
139	07/29/2009	(762923)
140	07/29/2009	(762945)
141	08/31/2009	(763762)
142	10/23/2009	(764009)
143	08/31/2009	(764693)
144	08/31/2009	(765166)
145	11/20/2009	(766235)
146	09/23/2009	(766537)
147	10/13/2009	(766561)
148	10/05/2009	(766803)
149	10/19/2009	(767318)
150	08/27/2009	(767640)
151	05/15/2009	(768293)
152	06/10/2009	(768294)
153	06/10/2009	(768295)
154	10/05/2009	(776143)
155	10/05/2009	(776463)
156	11/05/2009	(778036)
157	10/06/2009	(778427)
158	11/20/2009	(778703)
159	12/23/2009	(780115)
160	11/03/2009	(780844)
161	11/10/2009	(781160)
162	11/10/2009	(781162)
163	11/10/2009	(781165)
164	12/01/2009	(781499)
165	02/09/2010	(781878)
166	12/23/2009	(782403)
167	11/24/2009	(782730)
168	12/23/2009	(784332)
169	12/09/2009	(784593)
170	12/29/2009	(784896)
171	12/22/2009	(785159)
172	05/13/2010	(785195)
173	12/29/2009	(785759)
174	02/15/2010	(786380)
175	02/09/2010	(787401)
176	02/09/2010	(787561)
177	02/09/2010	(787940)
178	02/08/2010	(788346)
179	07/26/2010	(789923)
180	02/15/2010	(790914)
181	02/17/2010	(791215)
182	02/17/2010	(791423)
183	03/18/2010	(792686)
184	03/21/2010	(793295)
185	03/23/2010	(793733)
186	03/26/2010	(795014)
187	03/30/2010	(795174)
188	04/26/2010	(795684)
189	05/10/2010	(796073)
190	05/06/2010	(796813)
191	05/06/2010	(797393)
192	04/13/2010	(797733)
193	04/12/2010	(797840)
194	04/16/2010	(798879)
195	06/17/2010	(803554)
196	06/02/2010	(803580)
197	02/12/2010	(804454)
198	08/17/2009	(804455)

199 09/09/2009 (804456)
 200 10/16/2009 (804457)
 201 11/18/2009 (804458)
 202 12/14/2009 (804459)
 203 01/15/2010 (804460)
 204 05/28/2010 (824387)
 205 06/10/2010 (825551)
 206 08/06/2010 (829624)
 207 08/13/2010 (830163)
 208 08/13/2010 (830311)
 209 03/10/2010 (830807)
 210 04/19/2010 (830808)
 211 05/13/2010 (830809)
 212 09/16/2010 (843917)
 213 09/20/2010 (844707)
 214 06/10/2010 (846243)
 215 09/20/2010 (849207)
 216 07/13/2010 (860839)
 217 09/16/2010 (864088)
 218 11/03/2010 (864116)
 219 09/16/2010 (864360)
 220 10/18/2010 (865303)
 221 08/13/2010 (866803)
 222 10/28/2010 (869954)
 223 10/19/2010 (871215)
 224 10/29/2010 (872259)
 225 09/14/2010 (873876)
 226 10/18/2010 (881477)
 227 02/10/2011 (884352)
 228 01/20/2011 (886654)
 229 11/18/2010 (888008)
 230 02/12/2011 (894703)
 231 02/12/2011 (894874)
 232 02/12/2011 (894977)
 233 02/12/2011 (895356)
 234 12/17/2010 (896210)
 235 01/14/2011 (902281)
 236 04/15/2011 (905157)
 237 05/24/2011 (908045)
 238 02/22/2011 (909055)
 239 08/02/2011 (912317)
 240 06/10/2011 (914692)
 241 03/11/2011 (916319)
 242 06/10/2011 (920550)
 243 04/08/2011 (924760)
 244 05/11/2011 (937999)

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

Date: 12/31/2006 (544370) CN600582399
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2007 (575103) CN600582399
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/30/2007 (571169)
 Self Report? NO Classification: Moderate
 Citation: 18936 and PSD-TX-762M2, SC 7 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01267, General Terms and Conditions OP
 O-01267, SC 27 OP
 Description: Failure to maintain the 70 parts per million by volume (ppmv) limit for Nitrogen

oxides (NOx) on the Fluid Catalytic Cracking Unit (FCCU) Regenerator Stack.
MOD (2)(D) EIC B18

Self Report? NO Classification: Moderate
Citation: 18936 and PSD-TX-762M2, SC 1A PERMIT
18936 and PSD-TX-762M2, SC 8 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Self Report? NO Classification: Moderate
Citation: 18936 and PSD-TX-762M2, SC 8 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

Description: Failure to maintain the venturi pressure at its minimum rate. MOD (2)(G) EIC B19g.
(1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
46396, SC 4 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

Description: Failure to maintain the minimum temperatures required while loading products at
the dock flares. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
43109, SC 3A and B PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
56385, SC 3 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Self Report? NO Classification: Moderate
Citation: 17352, SC 4C PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267 SC 15A OP
O-01267, General Terms and Conditions OP
O-01267, SC 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 1D OP

Description: Failure to submit a revision application to codify the requirements in the permit of 40 CFR Part 63, Subpart UUU and 30 TAC 113.780 by April 11, 2005, in FOP O-01267. Min (3)(C), EIC C3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5694A, GC 8 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5694A, GC 8 PERMIT
5C THC Chapter 382, SubChapter D 382.085(b)
O-01267, General Terms and Conditions OP
O-01267, SC 27 OP

Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 8983A, SC 1 PERMIT
 O-01267, General Terms and Conditions OP
 O-01267, SC 27 OP
 Description: Failure to maintain an allowable emissions rate. MOD (2)(D) EIC B14

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 56385, SC 3 PERMIT
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01267, SC 27 OP
 Description: Failed to maintain the food-to-microorganisms (F/M) ratio on the Enhanced Biodegradation Unit Aeration Tanks A, B, and C. Specifically, the Respondent failed to maintain the F/M ratio in the range of 0.05 to 1.0 kilograms of Biochemical Oxygen Demand per kilogram of biomass per day from September 1, 2006 through November 21, 2006. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 9195A and PSD-TX-453M6, SC 5 PERMIT
 O-01267, General Terms and Conditions OP
 O-01267, SC 27 OP
 Description: Failure to maintain minimum flame temperatures for four consecutive calendar quarters. MOD (2)(G) EIC B19g.(1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01267, General Terms and Conditions OP
 Description: Failure to submit a SDR no later than 30 days after the end of the November 21, 2005 - May 22, 2006 reporting period. MOD (2)(B) EIC B3

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01267, General Terms and Conditions OP
 Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B) EIC B3

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01267, General Terms and Conditions OP
 Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Self Report? NO Classification: Moderate
 Citation: 18936 and PSD-TX-762M2, GC 8 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01267, SC 27 OP
 Description: Failed to maintain allowable emissions rates. Specifically, the Respondent exceeded its tons per year limit. The permit limits Tank 589 to 0.31 tons per year ("tpy") of VOC and the Respondent reported emissions of VOCs for Tank 589 to be 0.3312 tpy during 2005. MOD (2)(D) EIC B18

Date: 11/27/2007 (608889) CN600582399
Self Report? NO Classification: Minor
Citation: 20381, PSD-TX-1005, N-004, SC 7E PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02222, General Terms and Conditions OP
O-02222, Special Condition 14 OP
O-02222, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 20381, PSD-TX-1005, N-044, SC 12 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02222, General Terms and Conditions OP
O-02222, Special Condition 14 OP

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

Self Report? NO Classification: Minor
Citation: 20381, PSD-TX-1005, N-044, SC 21 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(e)
O-02222, General Terms and Conditions OP
O-02222, Special Condition 14 OP
O-02222, Special Condition 1A OP

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

Date: 02/14/2008 (679796) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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

Date: 03/14/2008 (614391) CN600582399
Self Report? NO Classification: Minor
Citation: 18936 and PSD-TX-762M3 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01267, Special Condition 27 OP
Description: Failure to submit a stack test report within the required timeframe (60 days after
sampling was completed). C3 Minor

Date: 03/31/2008 (671962) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC, Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/28/2008 (679929) CN600582399
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 1 PERMIT
Description: Failure by Total Petrochemical to properly maintain units of conveyance by failing to prevent heavy siltation and debris/trash accumulation in Stormwater Control Structure A.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 1 PERMIT
Description: Failure by Total Petrochemicals to properly maintain Stormwater Control Structure E, by failing to maintain the underflow weir and unit sidewalls.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)
PC 2g PERMIT
Description: Failure by Total Petrochemicals to prevent unauthorized discharge from the facility.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR 1, p2c PERMIT
Description: Failure by Total Petrochemicals to comply with permitted effluent limitations for Total Organic Carbon samples collected from Outfall 004 on 03/09/2008, and 03/10/2008.

Date: 05/31/2008 (689881) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 06/06/2008 (641229) CN600582399
Self Report? NO Classification: Minor
Citation: 2347, Special Condition 10E PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01267, Special Condition 27 OP
Description: Failure to submit stack test report within applicable deadline (60 days after sampling was completed).

Date: 08/19/2008 (689537) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.

Date: 09/30/2008 (710656) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2008 (727425) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/22/2009 (683914) CN600582399

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 27 OP
Special Condition 8 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 8 PERMIT
Special Condition 27 OP
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 8 PERMIT
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 27 OP
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 8 PERMIT
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 27 OP
Special Condition 6 PERMIT

Description: Failure to maintain allowable firing rates.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Special Condition 2 PERMIT
 Special Condition 27 OP
 Description: Failure to maintain allowable emissions rates and concentrations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 27 OP

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

Description: Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 27 OP
 Special Condition 9 PERMIT

Description: Failure to maintain operation parameters of scrubber circulation rate, liquid to gas ratio, and venture pressure drop as established in the last satisfactory stack test.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 27 OP
 Special Condition 4 PERMIT
 Special Condition 9 PERMIT

Description: Failure to maintain a vacuum greater than 1.5 inches of water on the marine vapor control system during loading operations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 27 OP
 Special Condition 5.B PERMIT

Description: Failure to conduct proper maintenance on Tank -926 flare and Benzene tanks flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 8 PERMIT
 Special Condition 27 OP

Description: Failure to maintain allowable emissions rates.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C THSC Chapter 382 382.085(b)
 Special Condition 27 OP
 Description: Failure to maintain the content of H2S below 0.1 grains per dry standard cubic foot (gr/dscf).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 23 PERMIT
 Special Condition 27 OP

Description: Failure to maintain allowable amine circulation rates.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 Permit By Rule (PBR) project 51314 PERMIT
 Special Condition 27 OP
 Special Condition 4 PERMIT
 Description: Failure to maintain allowable firing rates.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.780
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 27 OP
 Special Condition 3 PERMIT

Description: Failure to maintain proper temperature at the chlorosorb inlet.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 19 PERMIT
 Special Condition 27 OP

Description: Failure to sample Ammonia from acid gas exiting the waste heat boiler.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18 PERMIT
 Special Condition 27 OP

Description: Failed to maintain allowable loading rate for 2-Methylnaphthalene and failed to authorized per 56385, Special Condition 18.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 27 OP

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

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

Description: Failure to perform visual tank inspections.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to obtain permit authorization for 4 tanks.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13 PERMIT
 Special Condition 14 PERMIT
 Special Condition 27 OP
 Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1A OP
 Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 8 PERMIT
 Special Condition 27 OP
 Description: Failure to maintain allowable emissions rates.
 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 18 PERMIT
 Special Condition 19 PERMIT
 Special Terms and Conditions 28 OP
 Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)
 Date: 04/03/2009 (735828) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a Semiannual Deviation Report (SDR) no later than 30 days after the end of the reporting period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14 OP
 Special Condition 6 PERMIT
 Description: Failure to perform visual tank inspections.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Special Condition 1 PERMIT
Special Condition 14 OP

Description: Failure to maintain allowable emissions rates.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 14 OP
Special Condition 7E PERMIT

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 12 PERMIT
Special Condition 14 OP

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

Date: 04/30/2009 (768293) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 06/18/2009 (745434) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(c)(3).
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.464(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to properly operate Tank 907, an external floating roof storage vessel.

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

Description: Failure to maintain allowable emissions rates.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 8 PERMIT
Special Condition 26 OP
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failure to maintain allowable emissions rates and concentrations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 1 PERMIT
 Special Condition 1 PERMIT
 Special Condition 26 OP

Description: Failure to maintain allowable emissions rates and firing rates.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 26 OP

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

Description: Failure to maintain allowable emissions rates and concentrations. EIC B14
 MOD(2)(D)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Condition 8 PERMIT
 Permit By Rule (PBR) project 51314 PERMIT
 Special Condition 26 OP
 Special Condition 4 PERMIT

Description: Failure to maintain allowable emissions rates and firing rates.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 26 OP
 Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 26 OP
 Special Condition 5 PERMIT
 Description: Failure to maintain minimum flame temperature of 2200 degrees Fahrenheit for more than 168 hours in four consecutive calendar quarters for SRU-1.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13B PERMIT
 Special Condition 26 OP

Description: Failure to maintain operation parameters of scrubber venture pressure drop as established in the last satisfactory stack test.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UU 60.472(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 2 PERMIT
 Special Condition 26 OP

Description: Failure to comply with an opacity limitation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Condition 1D OP
 Special Condition 26 OP
 Special Condition 5(l) PERMIT

Description: Failure to repair a leaking fugitive component within 15 days of detection.

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

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 16 C PERMIT
 Special Condition 26 OP

Description: Failed to maintain allowable loading rate for Benzene.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 26 OP
 Special Condition 5 PERMIT

Description: Failure to collect loading vapors from atmospheric tank truck loading facility.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 26 OP

Description: Failure to authorize the Off Gas Treater (OGT) Cooling Tower for its current service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 26 OP
Special Condition 4C PERMIT
Description: Failure to Monitor and record stack exhaust temperature.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permits 9195A, 16840, and 43109 PERMIT
Special Condition 26 OP
Description: Failure to perform Cylinder Gas Audits (CGAs) during the third quarter of 2008 on the Continuous Emissions Monitoring Systems (CEMS) of EPNs 15SRUINCIN, 60COGENSTK, and 61BLRSTCK.

Date: 12/23/2009 (782403) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Permit by Rule (PBR) 74442 PERMIT
Special Condition 1 PERMIT
Special Condition 12 PERMIT
Special Condition 14 ORDER
Description: Failure to maintain allowable emissions rates and Heat Specific Factors.

Date: 12/31/2009 (761853) CN600582399
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 18 PERMIT
Special Condition 19 PERMIT
Special Terms and Conditions 28 OP
Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)

Date: 01/31/2010 (804454) 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: 03/19/2010 (792686) CN600582399
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 9 PERMIT
Special Condition 28 OP
Special Condition 2F OP
Description: Failure to properly report emission events. EIC C3

Date: 03/31/2010 (830808) 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: 04/30/2010 (830809) 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: 07/26/2010 (789923) 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 13 PERMIT
Special Condition 26 OP
Special Condition 9 PERMIT

Description: Failure to maintain Venturi pressure drop above the 3 hour rolling average limit and the hourly average limit. EIC B19g.(1) MOD (2)(G)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 26 OP
Various Permits PERMIT

Description: Failure to maintain the content of H2S below 0:1 grains per dry standard cubic foot (gr/dscf). EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 26 OP
Special Condition 3 PERMIT

Description: Failure to maintain allowable emissions rates and concentrations. EIC B14 MOD(2)(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 1 PERMIT
Special Condition 1 PERMIT
Special Condition 26 OP

Description: Failure to maintain allowable emissions rates and firing rates. EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)
Special Condition 26 OP
Special Condition 7B PERMIT

Description: Failure to perform daily calibrations on a Continuous Emissions Monitoring System (CEMS) at EPN 60COGENSTK. EIC C1 MIN (3)(A)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THSC Chapter 382 382.085(b)
Special Condition 26 OP
Special Condition 3 PERMIT

Description: Failure to monitor a Delay of Repair (DOR) Leak Detection and Repair (LDAR) component to verify a repair within 15 days of the unit being returned to service.

EIC B18 MOD (2)(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP

Description: Failure to repair a leaking fugitive component within 15 days of detection. EIC B18 MOD (2)(D)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 1A OP
Special Condition 26 OP
Special Condition 5 PERMIT
Various Permits PERMIT

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 27 OP

Description: Failure to maintain allowable emissions rates and firing rates. EIC B14 MOD(2)(D)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(1)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit of the quarterly report required by 40 CFR 61, Subpart BB, for the period of July 1, 2009, through September 30, 2009, in a timely manner. EIC C3 MIN (3)(C)

Date: 09/16/2010 (843917) CN600582399

Self Report? NO Classification: Moderate
Citation: PC 2g, Pg. 7 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. to prevent the unauthorized discharge of wastewater or any other waste.

Self Report? NO Classification: Moderate
Citation: M&RR 5, Pg. 5 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. accurately calibrate all automatic flow measuring devices and all totalizing meters for measuring flow by a trained person at plant start up and as often as necessary to ensure accuracy, but not less often than annually.

Self Report? NO Classification: Moderate
Citation: EL&MR 1, Pg. 2 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. to comply with effluent limitations for biochemical oxygen demand and Cyanide at Outfall 001

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure by Total Petrochemical USA, Inc. to prevent the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge.

Date: 12/31/2010 (902281) 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: 01/31/2011 (909055) 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: 02/10/2011 (884352) CN600582399
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
PSD-TX-1005, Special Condition 7E PERMIT
Special Condition 16 OP
Special Condition 17 OP
Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on equipment in VOC service. EIC C10 MIN (3)(D)

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)
PSD-TX-1005, Special Condition 6 PERMIT
Special Condition 17 OP
Description: Failure to perform twice a year inspections of primary and secondary seal gaps for tanks 800, 801, 082, and 805. EIC B1 MOD (2)(E)

Date: 04/30/2011 (937999) 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: 08/02/2011 (912317) CN600582399
Self Report? NO Classification: Moderate
Citation: & PSDTX058,* SC 1 PERMIT
& PSDTX762M3, SC 1.A PERMIT
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC 1.A PERMIT
SC 2 PERMIT
SC 29 OP
SC 5 PERMIT
Description: Failure to maintain the content of H2S below 0.10 grains per dry standard cubic foot (gr/dscf) within the refinery fuel gas. EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 29 OP
 Description: Failure to maintain allowable emissions rates and firing rates at EPN DEMEXH-2.
 EIC B14 MOD(2)(D)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 29 OP
 Description: Failure to monitor the Carbon Adsorption System (CAS) at EPN 22TANK0516.
 EIC C1 MOD(3)(A)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to operate without a cap, blind flange, pug, or a second valve installed on
 equipment in VOC service.
 EIC C10 MIN (3)(D)
 Self Report? NO Classification: Minor
 Citation: 1.A OP
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(b)(2)(i)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain the benzene content of each waste stream entering the waste
 management unit to less than 10 parts per million by weight (ppmw) on a flow
 weighted annual average basis.
 EIC B18 MOD (2)(G)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(2)(i)
 SC 1.A OP
 Description: Failure to maintain the total benzene content of wastes, which have a
 flow-weighted average water content of 10 percent or greater on a volume
 basis as total water and each waste stream that is mixed with water or wastes
 at any time such that the resulting mixture has an annual water content greater
 than 10 percent, at or below 6.0 megagrams per year (6.6 tons per year).
 EIC B18 MOD (2)(G)
 Self Report? NO Classification: Moderate
 Citation: & PSDTX1073M1, SC 15(f) PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 29 OP
 Description: Failure to maintain Tank 924's exterior surface as white or aluminum.
 EIC B19g.(1) MOD (2)(G)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 SC 29 OP
 Description: Failure to maintain allowable emissions rates and firing rates at EPN
 10DEMEXH-4.
 EIC B14 MOD(2)(D)
 Self Report? NO Classification: Moderate
 Citation: & PSDTX453M6, SC1 PERMIT

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 29 OP

Description: Failure to maintain allowable emissions rates at EPN 01VACTH301.
EIC B14 MOD(2)(D)

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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to provide notification of deviations.
EIC C3 MIN (3)(C)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification (ACC) report.
EIC C3 MIN (3)(C)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
SC 29 OP
SC 4.A PERMIT

Description: Failure to maintain the minimum heating value of 300 British thermal unit per standard cubic foot (Btu/scf) in the combined assist gas and waste stream to the North Flare, EPN 41NORTHFLR.
EIC B19.g(1) MOD(2)(D)

F. Environmental audits.

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

No DOV Associated

Notice of Intent Date: 02/13/2009 (740077)

Disclosure Date: 08/14/2009

Viol. Classification: Moderate

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

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

Notice of Intent Date: 09/08/2009 (776664)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2011-1477-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 an oil refining and chemical plant at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 7, 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 Two Hundred Sixty-Nine Thousand Seven Hundred Seventy-Five Dollars (\$269,775) is assessed by the Commission in settlement of

the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Seven Thousand Nine Hundred Ten Dollars (\$107,910) of the administrative penalty and Fifty-Three Thousand Nine Hundred Fifty-Five Dollars (\$53,955) 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. One Hundred Seven Thousand Nine Hundred Ten Dollars (\$107,910) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Projects ("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:
 - a. On December 20, 2010, the Respondent drained Spent Acid Tank 923 to remove the alkylate-type material and commenced manual level gauging of the tank to monitor the total liquid level in order to prevent future overflow; and
 - b. On August 10, 2011, the Respondent completed corrective measures associated to an engineering study to ensure compliance with the volatile organic compounds ("VOC") hourly emissions rates for Emissions Point Numbers ("EPNs") listed in Air Permit No. 56385. The corrective measures taken are as follows: 1) Began using process gas oil instead of diesel in operations in the DHT-2 Unit; 2) Repaired and placed the North and South barrel pumps on a routine maintenance schedule; and 3) Installed a liquid VOC Scrubber Unit upstream of the Carbon Absorption System.
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 comply with the hourly allowable emissions rate and the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F), and (c), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 18936 and PSDTX762M3, Special Conditions No. 8 and the Maximum Allowable Emission Rates Table, Air Permit No. 5694A, General Conditions No. 8, and Federal Operating Permit ("FOP") No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the following table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO2") hourly emission rate, and exceeded the CO and SO2 concentration limits at EPN 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628.14 lbs of SO2. The Respondent exceeded the nitrogen oxide ("NOx") hourly emission rate and the CO hourly emission rate at EPN 17REFHTERS, resulting in the total release of 122.33 lbs of NOx and 14.5 lbs of CO.

Pollutant	EPN 55RGNFLUGS				Total Hours of Exceedance
	Quarters				
	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	
CO (allowables: 143.69 lbs/hr, 500 ppm)					
Avg. Emissions Rate (lbs/hr)	163.4	217.23	213.25	x	9
Avg. Concentration (ppm)	x	550.6	x	x	2
NOx (allowables: 70 ppm)					
Avg. Concentration (ppm)	x	78.7	x	x	2
SO2 (allowables: 81.92 lbs/hr, 50 ppm)					
Avg. Emissions Rate (lbs/hr)	x	291.3	x	x	3
Avg. Concentration (ppm)	55.2	170.6	x	x	6

EPN					
17REFHTERS					
Pollutant	Quarters				Total Hours of Exceedance
	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	
CO (allowable: 15.75 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	x	x	x	23	2
NOx (allowable: 14.85 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	23.95	18.88	x	x	14

lbs/hr - pounds per hour

x - no exceedance

Avg. - average

- Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b), (b)(2)(F) and (c), 116.615(2), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 9194A and PSDTX453M6, Special Conditions No. 1, Air Permit No. 8983A, Special Conditions No. 1, Air Permit Nos. 3615 and PSDTX058, General Conditions No. 1, and FOP No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the following table. Specifically, on January 8 and January 10, 2010, the Respondent exceeded the allowable hourly emissions rates for four heaters, resulting in the release of 6.53 lbs of SO₂.

EPN	Permit No.	Allowable Emissions Rate (lbs/hr)	Duration (hrs)	Avg. Emissions Rate (lbs/hr)	Emissions (lbs)
01ACU1202A	3615	4.94	1	5.97	1.03
01ACU1H101	9194A	3.9	1	4.87	0.97
10DEMEXH-2	8983A	1.68	2	2.77	2.17
10DEMEXH-4	8983A	2.18	2	3.36	2.36

- Failed to comply with the hourly allowable emissions rate and the concentration limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.104(a)(2)(i) and 60.105(e)(4)(i), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 43109, Special Conditions Nos. 3 and 8, Air Permit Nos. 9195A and PSDTX453M6, Special Conditions Nos. 1, 3A, and 5, and FOP No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the following table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NO_x concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO₂ hourly emission rate, exceeded the hydrogen sulfide ("H₂S") hourly emission rate, and exceeded the SO₂ concentration limit at EPN

15RUINCIN, resulting in the total release of 446.63 lbs of CO, 1,570.2 lbs of SO₂, and 44.4 lbs of H₂S. Additionally, for EPN 15RUINCIN, the minimum firebox temperature of 2,200 degrees Fahrenheit was not met for two hours, and the minimum sulfur recovery efficiency was not met for 104 days.

EPN					
61STACKBLR					
Quarters					
Pollutant	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	Total Hours of Exceedance
CO (allowables: 35.54 lbs/hr, 100 ppm)					
Avg. Emissions Rate (lbs/hr)	x	x	217.23	x	6
Avg. Concentration (ppm)	x	x	205	133.23	109
NO_x (allowable: 43 ppm)					
Avg. Concentration (ppm)	55.9	56.17	49.69	47.7	1,548

EPN					
15RUINCIN					
Quarters					
Pollutant	1/1/2010 - 3/31/2010	4/1/2010 - 6/30/2010	7/1/2010 - 9/30/2010	10/1/2010 - 12/31/2010	Total Hours of Exceedance
CO (allowable: 40.37 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	46.04	54.36	42.5	54.31	46
SO₂ (allowables: 37.8 lbs/hr, 250 ppm)					
Avg. Emissions Rate (lbs/hr)	44.05	47.32	42.08	86.24	68
Avg. Concentration (ppm)	437.34	432.07	x	413.02	178
H₂S (allowable: 1.06 lbs/hr)					
Avg. Emissions Rate (lbs/hr)	1.24	1.34	1.18	2.42	68

- Failed to operate an emission source as represented in the authorization, in violation of 30 TEX. ADMIN. CODE §§ 115.112(a)(1), 116.116(a)(1), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit by Rule 30 TEX. ADMIN. CODE § 106.472, and FOP No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, from November 16, 2010 to December 20, 2010, the Respondent stored VOC in Spent Acid Tank 923. The tank is authorized for spent acid and not for VOC service and is not equipped with proper control devices for VOC storage; therefore, all VOC emissions released from the tank are unauthorized. An estimated 6,972 lbs of VOC were released over 840 hours.

5. Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 56385, Special Conditions No. 1, and FOP No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the release of 270.259 lbs of VOC.
6. Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 9193A and PSDTX453M6, Special Conditions No. 2, and FOP No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the periods of January 1, 2010 to March 31, 2010 and October 1, 2010 to December 31, 2010, the Respondent exceeded the CO hourly emission rate of 7.33 lbs/hr for 49 hours and the SO₂ hourly emission rate of 2.64 lbs/hr for one hour at EPN 13UNIBH301, resulting in the unauthorized release of 173.28 lbs of CO and 0.62 lbs of SO₂.
7. Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.115(b)(2)(F) and (c), and 122.143(4), 40 CFR § 60.102(f)(1)(i), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 46396 and PSDTX1073M1, Special Conditions Nos. 1, 24, and 26, and FOP No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO₂ hourly emission rate of 55.31 lbs/hr for a total of six hours and exceeded the H₂S hourly emission rate of 0.03 lbs/hr for a total of six hours at EPN 25RUINCIN, resulting in the release of 454.56 lbs of SO₂ and 0.24 lb of H₂S. The SO₂ concentration limit of 250 ppm was exceeded for a total of eight hours. The minimum firebox temperature of 1,400 degrees Fahrenheit was not met for a total of 10 hours.

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. 2011-1477-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Hundred Seven Thousand Nine Hundred Ten Dollars (\$107,910) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachments A and B, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreements.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and/or procedures to ensure compliance with the allowable CO and SO₂ emission rates and concentration limits for EPN 55RGNFLUGS, in accordance with Air Permit Nos. 18936 and PSDTX762M3;
 - ii. Implement measures and/or procedures to ensure compliance with the allowable NO_x and CO emission rates for EPN 17REFHTERS, in accordance with Air Permit No. 5694A;
 - iii. Implement measures and/or procedures to ensure compliance with the allowable SO₂ emission rates for EPN 01ACU1202A, in accordance with Air Permit Nos. 3615 and PSDTX058;
 - iv. Implement measures and/or procedures to ensure compliance with the allowable SO₂ emission rates for EPN 01ACU1H101, in accordance with Air Permit Nos. 9194A and PSDTX453M6;
 - v. Implement measures and/or procedures to ensure compliance with the allowable SO₂ emission rates for EPNs 10DEMEXH-2 and 10DEMEXH-4, in accordance with Air Permit No. 8983A;
 - vi. Implement measures and/or procedures to ensure compliance with the allowable SO₂ and CO emission rates for EPN 13UNIBNH301, in accordance with Air Permit Nos. 9193A and PSDTX453M6;
 - vii. Implement measures and/or procedures to ensure compliance with the allowable CO emission rates and the NO_x concentration limit for EPN 61STACKBLR, in accordance with Air Permit No. 43109;
 - viii. Implement measures and/or procedures to ensure compliance with the allowable CO, SO₂, and H₂S emission rates, the SO₂ concentration limit,

and the minimum firebox temperature for EPN 15RUINCIN, in accordance with 40 CFR §§ 60.104(a)(2)(i) and 60.105(e)(4)(i) and Air Permit Nos. 9195A and PSDTX453M6;

- ix. Implement measures and/or procedures to ensure compliance with the allowable H₂S and SO₂ emission rates, the SO₂ concentration limit, and the minimum firebox temperature for EPN 25RUINCIN, in accordance with 40 CFR § 60.102(f)(1)(i) and Air Permit Nos. 46396 and PSDTX1073M1; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a. The written certifications shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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

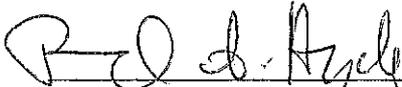
shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

2/2/12

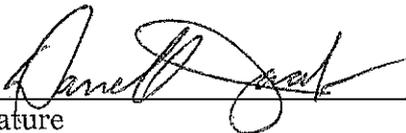
Date

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

15 December 2011

Date

Darrell Jacob

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

Refinery Manager

Title

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

Attachment A
Docket Number: 2011-1477-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals USA, Inc.
Payable Penalty Amount:	Two Hundred Fifteen Thousand Eight Hundred Twenty Dollars (\$215,820)
SEP Amount:	Fifty-Three Thousand Nine Hundred Fifty-Five Dollars (\$53,955)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Attachment B
Docket Number: 2011-1477-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals USA, Inc.
Payable Penalty Amount:	Two Hundred Fifteen Thousand Eight Hundred Twenty Dollars (\$215,820)
SEP Amount:	Fifty-Three Thousand Nine Hundred Fifty-Five Dollars (\$53,955)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission -Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to the **Southeast Texas Regional Planning Commission** to be used for the *Meteorological and Air Monitoring Network* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

1. Beaumont CAM#2
2. Cove School CAM #C695
3. Mauriceville CAM#642
4. Port Arthur (Motiva) Industrial Site CAM #C628
5. Port Arthur Memorial High School campus CAM #C689
6. Port Neches CAM #136
7. Sabine Pass CAM #C640

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8. Southeast Texas Regional Airport CAM #C643
9. West Orange CAM #C9

The pollutants currently monitored at each station are identified in Table 1.1 of the agreement between the Third-Party Recipient and the TCEQ. Additional parameters or monitoring sites may, contingent upon available funding and approval of TCEQ, be added. Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines.

A TCEQ-approved Quality Assurance Project Plan containing all applicable EPA QA-R5 elements shall be maintained. Analysis of all data collected from these sites will comply with Standard Operating Procedures for the analysis and measurement of Volatile Organic Compounds in Ambient Air. The laboratory data generated by this project will be from a TCEQ accredited laboratory in compliance with state laws and rules regarding use of certified or accredited testing laboratories. For example, the Third-Party Recipient must comply with 30 Texas Administrative Code, Chapter 25, Subchapter A, relating to Environmental Testing Laboratory Accreditation and Certification, as amended.

The SEP Offset Amount will be used to purchase equipment (such as automated canister samplers), hardware, software, and licenses to enable the monitoring, and for the cost of operating, maintaining, and periodically upgrading or adding to these air monitoring stations along with ancillary equipment approved by TCEQ. The data will be validated and sent to TCEQ's Leading Environmental Analysis and Display ("LEADS") system. All costs associated with the collection, transfer, and formatting of these data to be compatible with the LEADS system is the responsibility of the Third-Party Recipient. No portion of the SEP Offset Amount will be used for administrative costs or salaries of the Third-Party Recipient. The Third-Party Recipient may use contractors to perform the monitoring project, subject to special conditions concerning costs.

The project will be administered in accordance with federal, state, and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to make this contribution and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-

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butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems. The data is shared with the Texas Commission on Environmental Quality, industry, and the public at http://www.tceq.state.tx.us/cgi-bin/compliance/monops/site_info.pl.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

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 amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental Resources
Attention: SEP
South East Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

