

Executive Summary – Enforcement Matter – Case No. 46516
Total Petrochemicals & Refining USA, Inc.
RN100212109
Docket No. 2013-0673-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

La Porte Plant, 1818 Independence Parkway South, La Porte, Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 6, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$31,063

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$31,063

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 46516
Total Petrochemicals & Refining USA, Inc.
RN100212109
Docket No. 2013-0673-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 8, 2013 through January 16, 2013

Date(s) of NOE(s): February 20, 2013

Violation Information

1. Failed to comply with the volatile organic compounds (“VOC”) emission limit of 34 pounds of VOC per million pounds of product produced (“lbs VOC/MM lbs product”) on an hourly average for Train 7 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 18153, Special Conditions (“SC”) No. 3, and Federal Operating Permit (“FOP”) No. O1293, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) Nos. 1.A. and 14].
2. Failed to maintain the minimum net heating value requirement of 300 British thermal units per standard cubic feet (“Btu/scf”) for the North Flare and South Flare [30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d)(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 3908B, SC No. 10.A., Permit No. 21538, SC 11.A., and FOP No. O1293, GTC and STC Nos. 1.A. and 14].
3. Failed to limit emissions from a rupture disk to no more than three hours in duration [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 2269C, SC No. 17.A., and FOP No. O1293, GTC and STC 1.A. and 14].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. By September 30, 2011, reworked the Monument 2 Fluff Handling System Vapor Recovery System in order to comply with the hourly average emissions limit of 34 lbs VOC/MM lbs product for Train 7;
- b. By March 9, 2012, reviewed environmental requirements of replacing rupture disks within three hours after breakage with Plant personnel and implemented a capital project to replace single rupture disks with a pair of disks in parallel; and
- c. By September 7, 2012, installed fast response calorimeters on the flare headers of the North Flare, emission point number (“EPN”) ES-205, and the South Flare, EPN ES-805, in order to maintain a minimum net heating value of 300 Btu/scf and upgraded the control system used to adjust the support gas to send an alarm when the calorimeter and Online Flare Monitoring System contradict one another.

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Technical Requirements:

N/A

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 422-8938; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Mark Douglass, Plant Manager, Total Petrochemicals & Refining USA,
Inc., P.O. Box 888, Deer Park, Texas 77571
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	24-Feb-2013	Screening	25-Mar-2013	EPA Due	
	PCW	9-Apr-2013				

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

CASE INFORMATION			
Enf./Case ID No.	46516	No. of Violations	1
Docket No.	2013-0673-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	380.0% Enhancement	Subtotals 2, 3, & 7 \$9,500

Notes: Enhancement for two NOVs with same/similar violations, 17 orders with denial of liability, and one court order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$70	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$10,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$11,375**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,375
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$11,375
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Screening Date 25-Mar-2013

Docket No. 2013-0673-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 46516

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	17	340%
	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	0	0%
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>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 380%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for two NOVs with same/similar violations, 17 orders with denial of liability, and one court order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 380%

Screening Date 25-Mar-2013

Docket No. 2013-0673-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 46516

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 18153, Special Conditions No. 3, and Federal Operating Permit No. O1293, General Terms and Conditions and Special Terms and Conditions Nos. 1.A. and 14

Violation Description Failed to comply with the volatile organic compound ("VOC") emission limit of 34 pounds of VOC per million pounds of product produced ("lbs VOC/MM lbs product") on an hourly average for Train 7. Specifically, the VOC emissions for Train 7 were measured on August 10, 2011 to be 41.6 lbs VOC/MM lbs product, on August 14, 2011 to be 38.7 lbs VOC/MM lbs product, and on August 26, 2011 to be 62.87 lbs VOC/MM lbs product.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

3 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

25.0% Reduction

\$625

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent completed corrective actions by September 30, 2011, prior to the February 20, 2013 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$70

Violation Final Penalty Total \$11,375

This violation Final Assessed Penalty (adjusted for limits) \$11,375

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 46516
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$10,000	10-Aug-2011	30-Sep-2011	0.14	\$70	n/a	\$70

Notes for DELAYED costs

Estimated cost to implement measures to ensure compliance with the hourly average emissions limit for Train 7. The date required is the date of the first exceedance. The final date is the date that corrective actions were 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

\$10,000

TOTAL

\$70



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	25-Feb-2013
	PCW	13-Jun-2013
	Screening	25-Mar-2013
	EPA Due	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	46516	No. of Violations	2
Docket No.	2013-0673-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for two NOVs with same/similar violations, 17 orders with denial of liability, and one court order with denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$85
Approx. Cost of Compliance	\$4,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 25-Mar-2013

Docket No. 2013-0673-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46516

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	17	340%
	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	0	0%
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>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 380%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, 17 orders with denial of liability, and one court order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 380%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 25-Mar-2013

Docket No. 2013-0673-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46516

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 115.722(d)(1), 116.115(c), and 122.143(4), 40 Code of Federal Regulations § 60.18(c)(3)(ii), Tex. Health & Safety Code § 382.085(b), Permit No. 3908B, Special Conditions ("SC") No. 10.A., Permit No. 21538, SC 11.A., and Federal Operating Permit ("FOP") No. O1293, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A. and 14

Violation Description Failed to maintain the minimum net heating value of 300 British thermal units per standard cubic feet ("Btu/scf") for the North Flare, Emissions Point Number ("EPN") ES-205, and the South Flare, EPN ES-805. Specifically, between December 13, 2011 and August 8, 2012, the North Flare was below the minimum net heating value for four one-hour time periods, and the South Flare was below the minimum net heating value for nine one-hour time periods.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 13 Number of violation days

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

Violation Base Penalty \$7,500

Two quarterly events are recommended (one quarter for each flare).

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent completed corrective actions by September 7, 2012, prior to the February 20, 2013 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.

Case ID No. 46516

Reg. Ent. Reference No. RN100212109

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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)	\$2,000	13-Dec-2011	7-Sep-2012	0.74	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to implement measures to ensure compliance with the minimum net heating value for the North and South Flares. The date required is the initial date of noncompliance. The final date is the date that corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$74

Screening Date 25-Mar-2013

Docket No. 2013-0673-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46516

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit No. 2269C, SC No. 17.A., and FOP No. O1293, GTC and STC 1.A. and 14

Violation Description Failed to limit emissions from a rupture disk to no more than three hours in duration. Specifically, on January 27, 2012, emissions from rupture disks occurred for 4.67 hours.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes The Respondent completed corrective actions by March 9, 2012, prior to the February 20, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 46516
Reg. Ent. Reference No. RN100212109
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	27-Jan-2012	9-Mar-2012	0.12	\$12	n/a	\$12

Notes for DELAYED costs

Estimated cost to implement measures to ensure rupture disks are repaired or replaced within three hours. The date required is the initial date of noncompliance. The final date is the date that corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$12

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600582399, RN100212109, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600582399, Total Petrochemicals & Refining USA, Inc. **Classification:** SATISFACTORY **Rating:** 28.20

Regulated Entity: RN100212109, TOTAL PETROCHEMICALS USA LA PORTE PLANT **Classification:** SATISFACTORY **Rating:** 29.65

Complexity Points: 27 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1818 INDEPENDENCE PKWY SOUTH LA PORTE, TX 77571-9803, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0036S
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD086981172
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50374

AIR NEW SOURCE PERMITS PERMIT 3908B
AIR NEW SOURCE PERMITS PERMIT 54961
AIR NEW SOURCE PERMITS PERMIT 2269C
AIR NEW SOURCE PERMITS PERMIT 18153
AIR NEW SOURCE PERMITS REGISTRATION 73925
AIR NEW SOURCE PERMITS REGISTRATION 77782
AIR NEW SOURCE PERMITS REGISTRATION 16138
AIR NEW SOURCE PERMITS REGISTRATION 41719
AIR NEW SOURCE PERMITS REGISTRATION 87874
WASTEWATER PERMIT WQ0001000000
WATER LICENSING LICENSE 1010880
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0036S
AIR QUALITY NON PERMITTED ID NUMBER
LGL100212109

AIR OPERATING PERMITS PERMIT 1293
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30551
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1010880
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0036S
AIR NEW SOURCE PERMITS AFS NUM 4820100008
AIR NEW SOURCE PERMITS PERMIT 21538
AIR NEW SOURCE PERMITS REGISTRATION 54856
AIR NEW SOURCE PERMITS REGISTRATION 77776
AIR NEW SOURCE PERMITS REGISTRATION 78962
AIR NEW SOURCE PERMITS REGISTRATION 2560
AIR NEW SOURCE PERMITS PERMIT 83796
AIR NEW SOURCE PERMITS REGISTRATION 101790
WASTEWATER EPA ID TX0007421
STORMWATER PERMIT TXR05M372
POLLUTION PREVENTION PLANNING ID NUMBER
P00243
EMISSIONS BANKING AND TRADING ID NUMBER
EBT100212109

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: April 09, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 09, 2008 to April 09, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kimberly Morales

Phone: (713) 422-8938

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 04/28/2008 ADMINORDER 2007-1425-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 5C THSC Chapter 382 382.085(b)

 Description: Failure to notify the TCEQ Regional Office of the emissions event within 24 hours of discovery, as required by 30 TAC 101.201(a)(1).
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov:Special Condition 6 PERMIT

 Description: The RE failed to control the unauthorized emissions from the Emissions Event (Inc. # 91837) that occurred on May 12, 2007.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov:Special Condition 1 PERMIT

 Description: The RE failed to present an affirmative defense for the emissions event. They did not know the underlying cause of the flow control valve positioner failure, and did not keep useful reliability / maintenance data on control valves and their auxiliary equipment.

- 2 Effective Date: 07/21/2008 ADMINORDER 2008-0162-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 5C THSC Chapter 382 382.085(b)

 Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 11, 2007 (Incident No. 95742).
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov:Maximum Emission Rate Table PERMIT

 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov:Special Condition 6 PERMIT

 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov:SC 6 PERMIT

 Description: Failed to prevent unauthorized emissions.

- 3 Effective Date: 08/29/2008 ADMINORDER 2008-0414-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:MERT PERMIT

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

- 4 Effective Date: 12/04/2008 ADMINORDER 2008-0944-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 5C THSC Chapter 382 382.085(b)

 Rqmt Prov:Standard Air Permit No. 78962 PERMIT

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

5 Effective Date: 05/18/2009 ADMINORDER 2008-1173-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Condition No. 8 PERMIT
Description: The RE failed to prevent an avoidable trip of electric power to Compressor K-5, resulting in a shutdown of Trains 5 and 6, and in significant propylene flare emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Condition No. 8 PERMIT
Description: The RE could not demonstrate that the failure of the K-5 compressor seal could not reasonably have been prevented by proper design, operation, or maintenance. Therefore, they could not present an affirmative defense for the unauthorized emissions resulting from this emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:TCEQ Permit No. 78962, GC #8 PERMIT
Description: TOTAL failed to prevent water from entering Train 7 Feed Pump, resulting in the pump shutdown
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 2 PERMIT
Description: Failure to present an affirmative defense for the unauthorized emissions resulting from this emissions event. Therefore, the regulated entity is not exempted from relevant emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Condition No. 8 PERMIT
Description: Total failed to submit the Initial Notification for an emissions event to the TCEQ within 24 hours of discovering that the actual propylene emissions exceeded the corresponding initial estimate by more than a reportable quantity.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Total failed to submit the Initial Notification for emissions event Incident No. 106126 to the TCEQ Houston Region Office within 24 hours of discovery, as required.
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Condition 2 PERMIT
General Condition No. 8 PERMIT
Description: The RE failed to keep the Thermal Oxidizer (in the Monument 2 Flare System) on line for fifteen hours when VOC vent streams were routed to it, as the Thermal Oxidizer has a higher DRE than the flare. Thus, this event resulted in avoidable unauthorized emissions.

6 Effective Date: 06/01/2009 ADMINORDER 2008-1773-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Standard Permit No. 78962, GC #8 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 109106.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Condition 8 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 107571, in violation of Air Permit No. 78962.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failed to report Incident No. 107571 within 24 hours after discovery.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Condition 8 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 108007.

- 7 Effective Date: 07/09/2009 ADMINORDER 2009-0013-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Standard Permit No. 78962, MAERT PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:78962 PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.
- 8 Effective Date: 07/20/2009 ADMINORDER 2009-0220-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit No. 78962, MAERT PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.
- 9 Effective Date: 11/27/2009 ADMINORDER 2009-0749-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:3908B, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the Train 7 Cyclo-filter.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:3908B, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent polymer build-up and plugging in the Train 7 Cyclofilter.
- 10 Effective Date: 03/08/2010 ADMINORDER 2009-1640-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Total released 3787.96 lbs of propylene; 2703.38 lbs of carbon monoxide; and 360.52 lbs of nitrogen oxides during an avoidable emissions event (Incident No. 126615) that began June 28, 2009 and lasted for 10 hours. The unauthorized release was the result of solid build-up in the Train F-445 Filter (Cyclo-filter).
- 11 Effective Date: 06/26/2010 ADMINORDER 2009-1869-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to operate the North Flare with a flame present at all times.
Classification: Moderate

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

Description: Failure to notify the TCEQ of a reportable emissions event within 24 hours of discovery.

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent polymer solids build-up and plugging in the Train 7 Cyclo-filter.

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to prevent polymer solids build-up and plugging in the Train 7 Cyclo-filter.

12 Effective Date: 08/21/2010 ADMINORDER 2010-0019-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the Train 7 Cyclo-filter.

Classification: Moderate

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

Rqmt Prov:Special Condition No. 6 PERMIT

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

13 Effective Date: 10/15/2010 ADMINORDER 2010-0525-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

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

14 Effective Date: 12/25/2010 ADMINORDER 2009-1015-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

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

15 Effective Date: 04/18/2011 ADMINORDER 2010-1675-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions during an event that occurred on June 30, 2010. Specifically, the Respondent released into the atmosphere 682.79 lbs of propylene, 149.11 lbs of carbon monoxide, 16.76 lbs of nitrogen oxide, and 38.23 lbs of propane from the EPN ES-205 in the Train 5 & 6 Polypropylene Unit over a two hour and fifty minute period. The event occurred due to a shutdown when operators failed to increase the cooling water flow rate to the Recovery Column Condenser.

16 Effective Date: 10/02/2011 ADMINORDER 2011-0603-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 148650) that occurred on December 21, 2010, and lasted approximately five hours and twenty minutes, the Respondent released approximately 744 pounds ("lbs") of carbon monoxide, 101 lbs of nitrogen oxides, 49 lbs of propane,

and 1,142 lbs of propylene from the Train 9 Polypropylene Unit. The event occurred due to a false low level instrument reading.....

- 17 Effective Date: 06/22/2012 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Description: On February 11, 2011 the multi-national chemical manufacturer illegally released into the air over 1370 lbs. of dangerous air contaminants, including 1147 lbs of Propylene, 26 lbs. of Nitrogen Oxides, 111 lbs. of Carbon Monoxide, 85 lbs. of Propane, and 1.61 lbs. of Ethylene from its plant. According to documents created by Total Petrochemicals, the release was caused by operator error and the improper maintenance and operation of equipment.
- 18 Effective Date: 03/09/2013 ADMINORDER 2012-1093-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP 1293 ST&C 14 OP
NSR 3908B SC13 PERMIT
Description: Failed to maintain the minimum thermal oxidizer firebox exit temperature and oxygen concentration, as documented during a record review conducted on January 26, 2012. Specifically, the firebox temperature for Unit ID No. M2A-ES-215 fell below 1,450 degrees Fahrenheit for a total of 13.3 hours from August 11, 2010 to July 21, 2011, and the exhaust oxygen concentration fell below the required minimum of 10% for temperatures between 1,450 and 1,550 degrees Fahrenheit and the required minimum of 7%
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)
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:FOP 1293 ST&C 14 OP
FOP 1293 ST&C 1A OP
NSR 21538 SC16 PERMIT
Description: Failed to monitor the inlet and exhaust volatile organic compound ("VOC") concentration of the Bleeder/Feeder Vent Gas Catalytic Oxidizer (Unit ID No. M3A-ES-975) on August 12, 2010, October 15, 2010, and from February 13, 2011 to August 8, 2011, as documented during a record review conducted on January 26, 2012

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 09, 2008	(640759)
Item 2	June 05, 2008	(671448)
Item 3	June 11, 2008	(671449)
Item 4	June 18, 2008	(682521)
Item 5	June 30, 2008	(681219)
Item 6	July 18, 2008	(685477)
Item 7	July 22, 2008	(687013)
Item 8	August 01, 2008	(687683)
Item 9	November 21, 2008	(704275)
Item 10	January 21, 2009	(706088)
Item 11	January 27, 2009	(723151)
Item 12	January 29, 2009	(709785)
Item 13	February 06, 2009	(723709)
Item 14	February 09, 2009	(724256)
Item 15	February 13, 2009	(704276)
Item 16	March 18, 2009	(736586)
Item 17	July 31, 2009	(763543)

Item 18	October 05, 2009	(776297)
Item 19	November 16, 2009	(781266)
Item 20	December 28, 2009	(786653)
Item 21	January 26, 2010	(788149)
Item 22	February 05, 2010	(788072)
Item 23	February 26, 2010	(790723)
Item 24	April 01, 2010	(790976)
Item 25	June 01, 2010	(802166)
Item 26	January 21, 2011	(872639)
Item 27	March 01, 2011	(900708)
Item 28	March 24, 2011	(899567)
Item 29	June 24, 2011	(908597)
Item 30	September 19, 2011	(936616)
Item 31	March 14, 2012	(994273)
Item 32	May 17, 2012	(1006427)
Item 33	May 30, 2012	(1006380)
Item 34	June 21, 2012	(1002350)
Item 35	January 07, 2013	(1051470)
Item 36	March 27, 2013	(1057794)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 05/04/2012 (970793) 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)
FOP 1293 ST&C 14 OP
NSR 2269C SC17A PERMIT
- Description: Failure to prevent emissions from the rupture disc on Train 1 Vent Emission Bag Filter (M1-RD-1B) which burst. (Category B19 (g)(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)
FOP 1293 ST&C 14 OP
NSR 2269C SC1 PERMIT
- Description: Failure to prevent an exceedance of the annual MAERT limit. (Category B19 (g)(1))
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP 1293 ST&C 14 OP
FOP 1293 ST&C 1A OP
NSR 21538 SC11A PERMIT
NSR 3908B SC10A PERMIT
- Description: Failure to maintain the North flare (M2A-ES-205) and South flare (M3A-ES-805) net heating value above the 300 British Thermal units per standard cubic foot (Btu/scf) requirement. (Category B19 (g)(1))
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.340(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1293 ST&C 14 OP
FOP 1293 ST&C 1A OP
NSR 3908B SC 20 PERMIT
- Description: Failure to calibrate the totalizing fuel flow meters on boilers (M2A-BO-1, -4) in calendar years 2009 and 2010. (Category B1)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1293 ST&C 1A OP
- Description: Failure to measure two samples of the strippable VOC concentration in the

Monument 1 Cooling Tower (M1-CT-601) water on February 23 and 24, 2011.
(Category B1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1293 ST&C 1A OP
Description: Failure to operate all three emergency fire water pumps (M3B-PU-206,-207,-208)
during the appropriate hours. (Category C1)

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)
FOP 1293 ST&C 14 OP
NSR 18153 SC 5 PERMIT
NSR 3908B SC 8 PERMIT
Description: Failure to record Trains 5, 6, & 7 bagfilters (M2A-F-24-A, -B, -C, -D, -BN-2-5,
M2B-BL-8A, -B, -C, -D, EV-271) differential pressure at least once per day August
9, 2010-February 8, 2011 and February 10-July 29, 2011. (Category C1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1293 ST&C 1A OP
Description: Failure to adequately sample for proper speciation of the gas collected. (Category
C1)

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)
FOP 1293 ST&C 14 OP
NSR 2269C SC 15 PERMIT
Description: Failure to use a photo-ionization detector (PID) to take VOC measurement in unit
(MSS-MON1) in purged equipment before opening it to atmosphere. (Category
B19 (g)(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)
FOP 1293 ST&C 14 OP
NSR 18153 SC 3 PERMIT
Description: Failure to maintain emission limits. (category B19 (g)(1))

2

Date: 02/20/2013 (1050380) CN600582399

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11E PERMIT
Special Condition 12E PERMIT
Special Condition 17E PERMIT
Special Condition 5E PERMIT
ST&C 14 OP
ST&C 1A OP
Description: Failure to prevent open ended lines 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 5 PERMIT
Special Condition 8 PERMIT
ST&C 14 OP
ST&C 1A OP
Description: Failure to record daily differential pressure from Train 5, 6, and 7 baghouses.

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 12 PERMIT
Special Condition 13 PERMIT

Description: ST&C 14 OP
 ST&C 1A OP
 Failure to maintain temperature and oxygen concentrations above permitted limits on the North and South Thermal Oxidizers.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 16 PERMIT
 ST&C 14 OP
 ST&C 1A OP

Description: Failure to monitor VOC concentrations from Catalytic Oxidizer.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(4)
 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 21 PERMIT
 Special Condition 9 PERMIT
 ST&C 14 OP
 ST&C 1A OP

Description: Failure to analyze water samples from Train 5 and 6, 8, and 9 cooling towers.

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
 ST&C 14 OP
 ST&C 1A OP

Description: Failure to resolve failed zero and span checks on oxygen analyzer on South Thermal Oxidizer.

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 7 PERMIT
 ST&C 14 OP
 ST&C 1A OP

Description: Failure to maintain six minute average temperature on Enclosed Vapor Combustor.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to conduct required VOC sampling while analyzer was not in operation on North Flare.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2013-0673-AIR-E**

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 & Refining USA, Inc. ("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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petrochemical plant at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted from January 8 through 16, 2013, TCEQ staff documented that the volatile organic compounds ("VOC") emissions for Train 7 were measured on August 10, 2011 to be 41.6 pounds of VOC per million pounds of product produced ("lbs VOC/MM lbs product"), on August 14, 2011 to be 38.7 lbs VOC/MM lbs product, and on August 26, 2011 to be 62.87 lbs VOC/MM lbs product.
4. During a record review conducted from January 8 through 16, 2013, TCEQ staff documented that between December 13, 2011 and August 8, 2012, the North Flare, Emissions Point Number ("EPN") ES-205, was below the minimum net heating value of 300 British thermal units per standard cubic feet ("Btu/scf") for four one-hour time periods, and the South Flare, EPN ES-805, was below the minimum net heating value for nine one-hour time periods.
5. During a record review conducted from January 8 through 16, 2013, TCEQ staff documented that on January 27, 2012, emissions from rupture disks occurred for 4.67 hours.
6. The Respondent received notice of the violations on February 25, 2013.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By September 30, 2011, reworked the Monument 2 Fluff Handling System Vapor Recovery System in order to comply with the hourly average emissions limit of 34 lbs VOC/MM lbs product for Train 7;
 - b. By March 9, 2012, reviewed environmental requirements of replacing rupture disks within three hours after breakage with Plant personnel and implemented a capital project to replace single rupture disks with a pair of disks in parallel; and
 - c. By September 7, 2012, installed fast response calorimeters on the flare headers of the North Flare, EPN ES-205, and the South Flare, EPN ES-805, in order to maintain a minimum net heating value of 300 Btu/scf and upgraded the control system used to adjust the support gas to send an alarm when the calorimeter and Online Flare Monitoring System contradict one another.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the VOC emission limit of 34 lbs VOC/MM lbs product on an hourly average for Train 7, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 18153, Special Conditions ("SC") No. 3, and Federal Operating Permit ("FOP") No. O1293, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.A. and 14.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to maintain the minimum net heating value requirement of 300 Btu/scf for the North Flare and South Flare, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d)(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(3)(ii), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 3908B, SC No. 10.A., Permit No. 21538, SC 11.A., and FOP No. O1293, GTC and STC Nos. 1.A. and 14.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to limit emissions from a rupture disk to no more than three hours in duration, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 2269C, SC No. 17.A., and FOP No. O1293, GTC and STC 1.A. and 14.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Thirty-One Thousand Sixty-Three Dollars (\$31,063) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Thirty-One Thousand Sixty-Three Dollar (\$31,063) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Thirty-One Thousand Sixty-Three Dollars (\$31,063) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this

action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Total Petrochemicals & Refining USA, Inc., Docket No. 2013-0673-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. 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.
6. 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.

7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

11/1/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Total Petrochemicals & Refining USA, Inc. I am authorized to agree to the attached Agreed Order on behalf of Total Petrochemicals & Refining USA, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Total Petrochemicals & Refining USA, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

7-9-13
Date

MARK DOUGLASS
Name (Printed or typed)
Authorized Representative of
Total Petrochemicals & Refining USA, Inc.

PLANT MANAGER
Title

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