

Executive Summary – Enforcement Matter – Case No. 44243
Total Petrochemicals & Refining USA, Inc.
RN100212109
Docket No. 2012-1093-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petrochemicals and refining plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2012-1367-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 28, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,370

Amount Deferred for Expedited Settlement: \$2,074

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,296

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 44243
Total Petrochemicals & Refining USA, Inc.
RN100212109
Docket No. 2012-1093-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 26, 2012

Date(s) of NOE(s): May 4, 2012

Violation Information

1. Failed to maintain the minimum thermal oxidizer firebox exit temperature and oxygen concentration. 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% for temperatures above 1,550 degrees Fahrenheit for a total of 388.1 hours between August 11, 2010 to August 8, 2011 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1293, Special Terms and Conditions ("STC") No. 14, and Permit No. 3908B, Special Conditions No. 13].

2. 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 [30 TEX. ADMIN. CODE §§ 115.725(l), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1293 STC Nos. 1A and 14, and Permit No. 21538, Special Conditions No. 16].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By May 2, 2012, Respondent installed a new analyzer to monitor the VOC concentration at the Bleeder/Feeder Vent Gas Catalytic Oxidizer (Unit ID No. M3A-ES-975).

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, implement measures and/or procedures to maintain the firebox exit temperature and oxygen concentration; 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

**Executive Summary – Enforcement Matter – Case No. 44243
Total Petrochemicals & Refining USA, Inc.
RN100212109
Docket No. 2012-1093-AIR-E**

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Audra Benoit, Enforcement Division,
Enforcement Team 5, MC R-10, (409) 899-8799; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412.

TCEQ SEP Coordinator: N/A

Respondent: Mark Douglass, Plant Manager, Total Petrochemicals & Refining USA,
Inc., 1818 Independence Parkway South, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned PCW	14-May-2012	Screening	31-May-2012	EPA Due	
		31-May-2012				

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.	44243	No. of Violations	2	
Docket No.	2012-1093-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	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	431.0% Enhancement	Subtotals 2, 3, & 7	\$8,620

Notes: Enhancement for five NOVs with same/similar violations, 13 NOVs with dissimilar violations, and 19 orders 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	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$723	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$6,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,370
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes:

Final Penalty Amount	\$10,370
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,370
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,074
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,296
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Screening Date 31-May-2012

Docket No. 2012-1093-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44243

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

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>)	5	25%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	19	380%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 431%

>> **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 five NOVs with same/similar violations, 13 NOVs with dissimilar violations, and 19 orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 431%

Screening Date 31-May-2012

Docket No. 2012-1093-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44243

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1293, Special Terms and Conditions ("STC") No. 14, and Permit No. 3908B, Special Conditions No. 13

Violation 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% for temperatures above 1,550 degrees Fahrenheit for a total of 388.1 hours between August 11, 2010 to August 8, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Human health or the environment will or could be exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 362 Number of violation days

Table for frequency selection: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$120

Violation Final Penalty Total \$5,310

This violation Final Assessed Penalty (adjusted for limits) \$5,310

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 44243
Req. 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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-Aug-2010	31-Dec-2012	2.39	\$120	n/a	\$120

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to maintain the firebox exit temperature and oxygen concentration. The Date Required is the first date of noncompliance. 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

\$120

Screening Date 31-May-2012

Docket No. 2012-1093-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44243

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 115.725(l), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1293 STC Nos. 1A and 14, and Permit No. 21538, Special Conditions No. 16

Violation 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.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 178

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent completed corrective measures by May 2, 2012, prior the May 4, 2012 NOE date.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$603

Violation Final Penalty Total \$5,060

This violation Final Assessed Penalty (adjusted for limits) \$5,060

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 44243
Req. 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	\$5,000	12-Aug-2010	2-May-2012	1.72	\$29	\$574	\$603
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to install a new analyzer to monitor VOC concentration. The Date Required is the first date of noncompliance. 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	\$603
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Effective Date: 08/10/2007

ADMINORDER 2006-2092-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failure to prevent unauthorized emissions during an August 20, 2006 emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failed to prevent unauthorized emissions during an August 21, 2006 emissions event.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 21538, SC #12(B) PERMIT
TCEQ Permit No. 21538, SC #6 PERMIT

Description: Failed to prevent unauthorized emissions during an August 29, 2006 emissions event.

Effective Date: 01/28/2008

ADMINORDER 2007-1139-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 3908B PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 204 pounds ("lbs") of unauthorized emissions of polypropylene were released into the atmosphere from the Monument 2 Flare due to TOTAL's failure to clean the V-882 Propane Knock-out Drum's demister pad. The emissions event occurred on February 20, 2007 and lasted twelve hours.

Effective Date: 04/03/2008

ADMINORDER 2007-1593-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failure to prevent an unauthorized emissions event.

Effective Date: 04/28/2008

ADMINORDER 2007-1425-AIR-E

Classification: Minor

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

Description: Failure to notify the TCEQ Regional Office of the emissions event within 24 hours of discovery, as required by 30 TAC 101.201(a)(1).

Classification: Moderate

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

Rqmt Prov: Special Condition 6 PERMIT

Description: The RE failed to control the unauthorized emissions from the Emissions Event (Inc. # 91837) that occurred on May 12, 2007.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 07/21/2008 ADMINORDER 2008-0162-AIR-E

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

Description: Failed to properly notify the TCEQ of an emissions event that occurred on August 11, 2007 (Incident No. 95742).

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Maximum Emission Rate Table PERMIT

Description: Failed to prevent unauthorized emissions.

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

Rqmt Prov: Special Condition 6 PERMIT

Description: Failed to prevent unauthorized emissions.

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

Rqmt Prov: SC 6 PERMIT

Description: Failed to prevent unauthorized emissions.

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

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

Rqmt Prov: MERT PERMIT

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

Effective Date: 12/04/2008 ADMINORDER 2008-0944-AIR-E

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

Rqmt Prov: Standard Air Permit No. 78962 PERMIT

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

Effective Date: 05/18/2009 ADMINORDER 2008-1173-AIR-E

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: Special Condition 2 PERMIT

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

Classification: Moderate

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

Rqmt Prov: General Condition No. 8 PERMIT

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

Classification: Minor

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

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

Classification: Minor

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

Rqmt Prov: General Condition 2 PERMIT

General Condition No. 8 PERMIT

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

Effective Date: 06/01/2009

ADMINORDER 2008-1773-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 107743.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 108007.

Effective Date: 07/09/2009 ADMINORDER 2009-0013-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Standard Permit No. 78962, MAERT PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to make adjustments to the Train 7 Reactor temperature interlock when the temperature increased.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 78962 PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.

Effective Date: 07/20/2009 ADMINORDER 2009-0220-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit No. 78962, MAERT PERMIT
Description: Failed to prevent unauthorized emissions caused by an operator failing to prevent the build-up of solids in the Train 7 Cyclo-filter.

Effective Date: 11/27/2009 ADMINORDER 2009-0749-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 3908B, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the Train 7 Cyclo-filter.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 3908B, Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent polymer build-up and plugging in the Train 7 Cyclofilter.

Effective Date: 03/08/2010 ADMINORDER 2009-1640-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Total

released 3787.96 lbs of propylene; 2703.38 lbs of carbon monoxide; and 360.52 lbs of nitrogen oxides during an avoidable emissions event (Incident No. 126615) that began June 28, 2009 and lasted for 10 hours. The unauthorized release was the result of solid build-up in the Train F-445 Filter (Cyclo-filter).

Effective Date: 06/26/2010

ADMINORDER 2009-1869-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to operate the North Flare with a flame present at all times.

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Effective Date: 08/21/2010

ADMINORDER 2010-0019-AIR-E

Classification: Major

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition No. 6 PERMIT

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

Effective Date: 10/15/2010

ADMINORDER 2010-0525-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Effective Date: 12/25/2010

ADMINORDER 2009-1015-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

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

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

Effective Date: 04/18/2011

ADMINORDER 2010-1675-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions 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.

Effective Date: 10/02/2011

ADMINORDER 2011-0603-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: 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.....

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	05/17/2012	(1006427)
2	06/08/2007	(555120)
3	06/15/2007	(555757)
4	05/30/2007	(556956)
5	05/31/2007	(559121)
6	05/31/2007	(559123)
7	07/05/2007	(560624)
8	06/25/2007	(560632)
9	06/21/2007	(560635)
10	06/21/2007	(560640)
11	06/18/2007	(561134)
12	06/20/2007	(561136)
13	06/27/2007	(561137)
14	07/24/2007	(561139)
15	06/08/2007	(562000)
16	06/19/2007	(562094)
17	07/30/2007	(565237)
18	08/29/2007	(565319)
19	07/18/2007	(565537)
20	08/13/2007	(566645)
21	09/11/2007	(569993)
22	09/26/2007	(570766)

23	01/28/2008	(570970)
24	11/19/2007	(572263)
25	10/18/2007	(594393)
26	10/17/2007	(594536)
27	12/11/2007	(597559)
28	11/20/2007	(597561)
29	11/30/2007	(600058)
30	12/07/2007	(600059)
31	12/17/2007	(609853)
32	03/31/2008	(610624)
33	02/15/2008	(612150)
34	01/30/2008	(613375)
35	03/10/2008	(616035)
36	03/10/2008	(616237)
37	02/18/2010	(639583)
38	05/09/2008	(640759)
39	05/30/2008	(640765)
40	06/05/2008	(671448)
41	06/11/2008	(671449)
42	06/11/2008	(671450)
43	06/30/2008	(681219)
44	06/30/2008	(682520)
45	06/18/2008	(682521)
46	07/10/2008	(683615)
47	07/02/2008	(683653)
48	08/19/2008	(685005)
49	07/18/2008	(685477)
50	07/25/2008	(686100)
51	08/19/2008	(686804)
52	08/13/2008	(686959)
53	07/22/2008	(687013)
54	08/01/2008	(687683)
55	08/13/2008	(688033)
56	10/30/2008	(688227)
57	10/31/2008	(699758)
58	11/03/2008	(699774)
59	11/03/2008	(699972)
60	10/03/2008	(704204)
61	04/22/2009	(704209)
62	02/06/2009	(704273)
63	12/09/2008	(704274)
64	11/21/2008	(704275)
65	02/13/2009	(704276)
66	01/05/2009	(704277)
67	01/21/2009	(706088)
68	01/29/2009	(709785)
69	05/22/2009	(721129)
70	01/21/2009	(722792)
71	01/27/2009	(723151)
72	02/06/2009	(723709)
73	02/06/2009	(723711)
74	02/09/2009	(724256)
75	02/18/2009	(724508)
76	02/23/2009	(724509)
77	03/18/2009	(736586)
78	04/28/2009	(738203)
79	06/10/2009	(738207)
80	04/10/2009	(738976)
81	05/05/2009	(739890)
82	05/05/2009	(739891)
83	04/07/2009	(740317)
84	05/04/2009	(740997)
85	11/20/2009	(743105)
86	09/02/2010	(744679)
87	06/23/2009	(745530)
88	05/11/2010	(749688)
89	09/22/2009	(763295)
90	07/31/2009	(763543)
91	05/13/2010	(763600)
92	09/28/2009	(766433)
93	10/16/2009	(776286)
94	12/18/2009	(776288)
95	10/05/2009	(776297)
96	11/17/2009	(777450)
97	11/04/2009	(777540)
98	11/23/2009	(777831)
99	10/16/2009	(779107)
100	11/16/2009	(781266)

101 01/06/2010 (781268)
 102 08/26/2010 (784790)
 103 12/28/2009 (786653)
 104 02/05/2010 (788072)
 105 01/26/2010 (788149)
 106 03/19/2010 (788806)
 107 02/26/2010 (790721)
 108 02/26/2010 (790723)
 109 04/01/2010 (790975)
 110 04/01/2010 (790976)
 111 04/12/2010 (790977)
 112 04/01/2010 (790978)
 113 02/22/2010 (791397)
 114 02/23/2010 (792077)
 115 05/13/2010 (793660)
 116 06/01/2010 (797645)
 117 05/27/2010 (801813)
 118 06/01/2010 (802166)
 119 07/14/2010 (829979)
 120 08/04/2010 (830043)
 121 09/20/2010 (841265)
 122 09/09/2010 (860034)
 123 03/24/2011 (870425)
 124 01/21/2011 (872639)
 125 02/15/2011 (877990)
 126 02/08/2011 (887281)
 127 01/21/2011 (887726)
 128 03/24/2011 (899563)
 129 03/24/2011 (899567)
 130 03/01/2011 (900708)
 131 05/09/2011 (907742)
 132 06/24/2011 (908597)
 133 04/25/2011 (912432)
 134 09/19/2011 (936616)
 135 08/23/2011 (949507)
 136 10/11/2011 (950783)
 137 11/18/2011 (968870)
 138 05/07/2012 (970793)
 139 05/17/2012 (990138)
 140 03/14/2012 (994273)

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

Date: 06/12/2007 (555757) CN600582399
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: The RE failed to report the emissions of CO and NO in the Final (14-day) Report.
 While these emissions did not exceed an RQ, 30 TAC 101.201(b)(1)(G,H) still
 requires that these emissions be included in the Final Report.

Date: 07/24/2007 (561139) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Air Permit No. 3908B Special Condition 1 PERMIT
 Description: TOTAL failed to avoid the unauthorized emissions during Incident No. 87379.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: TOTAL failed to submit the initial notification within 24 hours of the discovery of
 the emissions event.

Date: 04/01/2008 (610624) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01293, Special Terms & Cond. No. 1(A) OP
 Description: Failure to record the NOx concentration in the Waste Heat Boiler's (M2A-BO-3)
 stack.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)
5C THSC Chapter 382 382.085(b)
O-01293, General Terms & Conditions OP
Description: Failure to report all deviations in semi-annual deviation and annual compliance certification reports.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special T & C No. 1(F)(iii) OP
Description: Failure to perform the required sampling after the out-of-order periods for the Train 8 Cooling Tower and Monument 1 Cooling Tower online HRVOC monitors exceeded 24 hours.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special T & C No. 1(F)(iii) OP
Description: Failure of the Monument 1 and Train 8 Cooling Tower monitoring systems to continuously operate at least 95% of the annual cooling tower operating time.

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3908B, Special Condition No. 2 PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 11 OP
Description: Failure to operate the Monument 2 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO **Classification:** Moderate
Citation: 21538, Special Condition No. 12(A) PERMIT
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 11 OP
Description: Failure to operate the Train 8 Flare header with combustion gases with net heating value of 300 Btu/scf or greater.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special T & C No. 1(F)(iii) OP
Description: Failure to commence taking daily samples within ten hours of the Train 8 Flare on-line analyzer malfunction after exceeding eight hours of downtime.

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
30 TAC Chapter 115, SubChapter H 115.764(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special T & C No. 1(F)(iii) OP
Description: Failure to operate a system to continuously determine the total strippable volatile organic compound (VOC) concentration at the Monument 1, Trains 1, 5/6, 7, 8, and 9 cooling towers and failure to determine the speciated strippable highly-reactive volatile organic compound (HRVOC) concentration.

Self Report? NO **Classification:** Minor
Citation: 21538, Special Condition No. 20(E) PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01293, Special Terms & Cond. No. 11 OP
Description: Failure to report when the Waste Heat Boiler (M2A-BO-3) in-stack CO

concentration exceeded the 100 ppmv permit limit to the TCEQ Regional Office within 48 hours.

Date: 08/13/2008 (688033) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
TCEQ Standard Permit No. 78962, GC #8 PERMIT

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

Date: 02/18/2009 (724508) CN600582399
Self Report? NO Classification: Moderate
Citation: 21538 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Description: Exceeded permit limits during an avoidable emissions event.

Date: 02/23/2009 (724509) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

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

Date: 04/13/2009 (738976) CN600582399
Self Report? NO Classification: Moderate
Citation: 21538, Special Condition No. 6 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

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

Date: 05/04/2009 (740997) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
3908B, Special Condition No. 1 PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized emissions.

Date: 05/22/2009 (721129) CN600582399
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 1 (F)(iii) OP

Description: Failure to collect an additional sample of cooling tower water when VOC concentrations were above 50 ppbw.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
5C THSC Chapter 382 382.085(b)

Description: Failure to operate a stationary diesel or dual-fuel engine at the proper time.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain flare net heating value above 300 BTU/scf.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

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

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

Description: Failure to record daily data as stated in NSR Permit No. 18153, SC 5.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11 OP
Spec. Cond. 20E PERMIT

Description: Failure to report excess emissions within 48 hours.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11 OP
Spec. Cond. 12 PERMIT

Description: Failure to maintain thermal oxidizer temperature about 1,600 degrees F. while waste gas is directed to it.

Date: 02/26/2010 (790721) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
General Conditions` PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to maintain the temperature in the Recycle Reactor which caused unreacted hydrocarbons to exit the reactor and enter the flare system.

Date: 04/01/2010 (790975) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
PROVISION III.D. PERMIT
Description: Failure to maintain documentation of daily inspections of the perimeter fence and signs.

Date: 06/02/2010 (797645) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Total failed to prevent plugging in the stream tracing line of the level instrument on Column D-21.

Date: 08/04/2010 (830043) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
MAERT PERMIT
Description: Failure to prevent unauthorized emissions. Total operations failed to properly

control the catalyst feed rate into the Train 9 Reactor.

Date: 08/13/2010 (784790) CN600582399

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

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

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 11B PA
Description: Flare (ID# M3A-ES-805) was not monitored for continuous presence of flame by a thermocouple or equivalent device. Category C1 violation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 12A PA
Description: Failure to meet Flare required heating values. Category C4 violation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 10A PA
Special Condition 11 OP
Description: Failure to meet Flare required heating values. Category C4 violation.

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 19D PA

Description: Exceedence of the maximum firing rates limit. Category C4 violation.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to sample highly reactive volatile organic compound (HRVOC) analyzer.
 Category C1 violation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 18A PA
 Special Condition 25A PA
 Special Condition 26A PA

Description: Failure to verify the accuracy of the photo ionization detector (PID) monitoring
 device daily. Category C1 violation

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(5)
 5C THSC Chapter 382 382.085(b)

Description: Failure to sample highly reactive volatile organic compound (HRVOC) cooling
 tower water. Category C1 violation.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 3 PA

Description: Failure to limit pellets VOC emissions. Category B14.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PA
 Special Condition 11 OP

Description: Failure to limit the short term hourly/monthly volatile organic compound (VOC)
 maximum allowable emission. Category B14 violation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 16 PA

Description: Failure to continuously monitor inlet and exhaust volatile organic compound
 (VOC) concentration. Category C1 violation.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 11 OP
 Special Condition 5 PA

Description: Failure to calibrate monitoring devices (ID# M2B-BL-8A, M2A-BL-8B, M2A-BL-8C,
 M2A-BL-8D). Category C1 violation.

Date: 02/08/2011 (887281) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 6 PERMIT

Description: Failure to prevent unauthorized emissions. Total failed to prevent the pressure to
 increase in the Train 8 Reactor, which resulted in a release from the safety relief
 valve to the South Flare System.

Date: 02/15/2011 (877990) CN600582399
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 13 PERMIT
 SC 14 OP

Description: Failure to comply with permit limits for the thermal oxidizer firebox temperature and exhaust oxygen concentration (B18).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 5 PERMIT

Description: Failure to continuously monitor catalytic oxidizer inlet and exhaust VOC concentration (C1).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 7 PERMIT

Description: Failure to comply with permit limit for vapor combustor chamber temperature (C4).

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 7 PERMIT

Description: Failure to comply with permit limit for VOC/million pounds of product produced. (B18).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 10A PERMIT
 SC 14 OP

Description: Failure to comply with the net heating value requirement for the flares (C4).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 18 PERMIT

Description: Failure to take VOC measurements using a photo-ionization detector (C1).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 18A PERMIT

Description: Failure to verify accuracy of a photo-ionization detector on a daily basis (C1).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 14 OP
 SC 15 PERMIT

Description: Failure to collect a monthly sample for VOC testing (C4).

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 SC 12B PERMIT
 SC 14 OP

Description: Failure to have a flame present at all the time on the Alkyl Flare (C4).

Date: 10/11/2011 (950783) 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 1 PERMIT
Special Condition 14 OP
Description: Total Petrochemicals USA Inc. failed to prevent the release of unauthorized emissions.

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))		

F. Environmental audits.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TOTAL PETROCHEMICALS &	§	
REFINING USA, INC.	§	ENVIRONMENTAL QUALITY
RN100212109	§	

AGREED ORDER
DOCKET NO. 2012-1093-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, 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 together stipulate that:

1. The Respondent owns and operates a petrochemicals and refining plant at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director 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 May 9, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Three Hundred Seventy Dollars (\$10,370) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Two Hundred

Ninety-Six Dollars (\$8,296) of the administrative penalty and Two Thousand Seventy-Four Dollars (\$2,074) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by May 2, 2012 the Respondent installed a new analyzer to monitor the volatile organic compound ("VOC") concentration at the Bleeder/Feeder Vent Gas Catalytic Oxidizer (Unit ID No. M3A-ES-975).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain the minimum thermal oxidizer firebox exit temperature and oxygen concentration, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. 01293, Special Terms and Conditions ("STC") No. 14, and Permit No. 3908B, Special Conditions No. 13, 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% for temperatures above 1,550 degrees Fahrenheit for a total of 388.1 hours between August 11, 2010 to August 8, 2011.
2. Failed to monitor the inlet and exhaust 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, in violation of 30 TEX. ADMIN. CODE §§ 115.725(l), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1293 STC Nos. 1A and 14, and Permit No. 21538, Special Conditions No. 16, as documented during a record review conducted on January 26, 2012.

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 & Refining USA, Inc., Docket No. 2012-1093-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. 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, implement measures and/or procedures to maintain the firebox exit temperature and oxygen concentration, in accordance with Permit No. 3908B; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Tom Javeri
For the Executive Director

11/16/12
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.

Mark Douglass
Signature

8-1-12
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, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.