

**Executive Summary – Enforcement Matter – Case No. 44509**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN100212109**  
**Docket No. 2012-1362-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

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

**Type of Operation:**

Petrochemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2012-1093-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 18, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$67,125

**Amount Deferred for Expedited Settlement:** \$13,425

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$53,700

**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. 44509**  
**Total Petrochemicals & Refining USA, Inc.**  
**RN100212109**  
**Docket No. 2012-1362-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** March 25, 2012  
**Date(s) of NOE(s):** June 22, 2012

***Violation Information***

Failed to comply with the allowable annual volatile organic compound ("VOC") emissions rate for the South Flare. Specifically, Respondent exceeded the allowable annual VOC emissions rate of 2.36 tons per year based on a rolling 12-month period, from January 1, 2011 through March 31, 2012, resulting in the unauthorized release of 2.89 tons of VOC [Federal Operating Permit No. O1293, Special Terms and Conditions No. 11, New Source Review Permit No. 21538, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 122.143(4) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent returned to compliance with the allowable annual VOC emissions rate for the South Flare based on the rolling 12-month period that ended on April 30, 2012.

**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:** Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**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

<b>DATES</b>	<b>Assigned</b>	25-Jun-2012	<b>Screening</b>	9-Jul-2012	<b>EPA Due</b>	17-Mar-2013
	<b>PCW</b>	22-Oct-2012				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44509	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1362-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$12,500</b>
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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.

<b>Compliance History</b>	462.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$57,750</b>
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Notes: Enhancement for 16 NOVs with same/similar violations, one NOV with dissimilar violations, and 19 orders with denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$3,125</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$312
Approx. Cost of Compliance	\$5,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$67,125</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$67,125</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$67,125</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$13,425</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$53,700</b>
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Screening Date 9-Jul-2012

Docket No. 2012-1362-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44509

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	16	80%
	Other written NOVs	1	2%
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%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 462%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 16 NOVs with same/similar violations, one NOV with dissimilar violations, and 19 orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 462%

Screening Date 9-Jul-2012

Docket No. 2012-1362-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 2 (September 2002)

Case ID No. 44509

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100212109

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit No. O1293, Special Terms and Conditions No. 11, New Source Review Permit No. 21538, Special Conditions No. 1, 30 Tex. Admin. Code §§ 122.143(4) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the allowable annual volatile organic compound ("VOC") emissions rate for the South Flare. Specifically, the Respondent exceeded the allowable annual VOC emissions rate of 2.36 tons per year based on a rolling 12-month period, from January 1, 2011 through March 31, 2012, resulting in the unauthorized release of 2.89 tons of VOC.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that did 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 5

455 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$12,500

Five quarterly events are recommended for the non-compliant period that began on January 1, 2011 and ended on March 31, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$3,125

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

Notes

The Respondent completed corrective actions on April 30, 2012, prior to the June 22, 2012 NOE.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$312

Violation Final Penalty Total \$67,125

This violation Final Assessed Penalty (adjusted for limits) \$67,125

# Economic Benefit Worksheet

**Respondent** Total Petrochemicals & Refining USA, Inc.  
**Case ID No.** 44509  
**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
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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)	\$5,000	31-Jan-2011	30-Apr-2012	1.25	\$312	n/a	\$312

**Notes for DELAYED costs** Estimated cost to implement measures to ensure compliance with the allowable VOC emission rates for the South Flare. The date required is the initial date of non-compliance. The final date is the compliance date.

### 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	<b>TOTAL</b>	\$312
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN600582399 Total Petrochemicals & Refining USA, Inc. Classification: AVERAGE Rating: 3.77

Regulated Entity: RN100212109 TOTAL PETROCHEMICALS USA LA PORTE PLANT Classification: AVERAGE Site Rating: 9.44

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0036S
	AIR OPERATING PERMITS	PERMIT	1293
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD086981172
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30551
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50374
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010880
	AIR NEW SOURCE PERMITS	PERMIT	3908B
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0036S
	AIR NEW SOURCE PERMITS	PERMIT	54961
	AIR NEW SOURCE PERMITS	AFS NUM	4820100008
	AIR NEW SOURCE PERMITS	PERMIT	2269C
	AIR NEW SOURCE PERMITS	PERMIT	21538
	AIR NEW SOURCE PERMITS	PERMIT	18153
	AIR NEW SOURCE PERMITS	REGISTRATION	54856
	AIR NEW SOURCE PERMITS	REGISTRATION	73925
	AIR NEW SOURCE PERMITS	REGISTRATION	77776
	AIR NEW SOURCE PERMITS	REGISTRATION	77782
	AIR NEW SOURCE PERMITS	REGISTRATION	78962
	AIR NEW SOURCE PERMITS	REGISTRATION	16138
	AIR NEW SOURCE PERMITS	REGISTRATION	2560
	AIR NEW SOURCE PERMITS	REGISTRATION	41719
	AIR NEW SOURCE PERMITS	PERMIT	83796
	AIR NEW SOURCE PERMITS	REGISTRATION	101790
	AIR NEW SOURCE PERMITS	REGISTRATION	87874
	WASTEWATER	PERMIT	WQ0001000000
	WASTEWATER	EPA ID	TX0007421
	WATER LICENSING	LICENSE	1010880
	STORMWATER	PERMIT	TXR05M372
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00243
	AIR QUALITY NON PERMITTED	ID NUMBER	LGL100212109
	EMISSIONS BANKING AND TRADING	ID NUMBER	EBT100212109
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0036S

Location: 1818 INDEPENDENCE PKWY SOUTH, LA PORTE, TX, 77571

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 23, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 23, 2007 to July 23, 2012

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

Name: Rebecca Johnson Phone: (361) 825-3423

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

**Effective Date: 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 THSC 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 THSC 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 THSC 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 THSC 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 382.085(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 06/21/2012 (1002350)
- 2 05/30/2012 (1006380)
- 3 05/17/2012 (1006427)
- 4 07/24/2007 (561139)
- 5 07/30/2007 (565237)
- 6 08/29/2007 (565319)
- 7 08/13/2007 (566645)
- 8 09/11/2007 (569993)
- 9 09/26/2007 (570766)
- 10 01/28/2008 (570970)
- 11 11/19/2007 (572263)
- 12 10/18/2007 (594393)
- 13 10/17/2007 (594536)
- 14 12/11/2007 (597559)
- 15 11/20/2007 (597561)
- 16 11/30/2007 (600058)
- 17 12/07/2007 (600059)
- 18 12/17/2007 (609853)
- 19 03/31/2008 (610624)

20 02/15/2008 (612150)  
21 01/30/2008 (613375)  
22 03/10/2008 (616035)  
23 03/10/2008 (616237)  
24 02/18/2010 (639583)  
25 05/09/2008 (640759)  
26 05/30/2008 (640765)  
27 06/05/2008 (671448)  
28 06/11/2008 (671449)  
29 06/11/2008 (671450)  
30 06/30/2008 (681219)  
31 06/30/2008 (682520)  
32 06/18/2008 (682521)  
33 07/10/2008 (683615)  
34 07/02/2008 (683653)  
35 08/19/2008 (685005)  
36 07/18/2008 (685477)  
37 07/25/2008 (686100)  
38 08/19/2008 (686804)  
39 08/13/2008 (686959)  
40 07/22/2008 (687013)  
41 08/01/2008 (687683)  
42 08/13/2008 (688033)  
43 10/30/2008 (688227)  
44 10/31/2008 (699758)  
45 11/03/2008 (699774)  
46 11/03/2008 (699972)  
47 10/03/2008 (704204)  
48 04/22/2009 (704209)  
49 02/06/2009 (704273)

50 12/09/2008 (704274)  
51 11/21/2008 (704275)  
52 02/13/2009 (704276)  
53 01/05/2009 (704277)  
54 01/21/2009 (706088)  
55 01/29/2009 (709785)  
56 05/22/2009 (721129)  
57 01/21/2009 (722792)  
58 01/27/2009 (723151)  
59 02/06/2009 (723709)  
60 02/06/2009 (723711)  
61 02/09/2009 (724256)  
62 02/18/2009 (724508)  
63 02/23/2009 (724509)  
64 03/18/2009 (736586)  
65 04/28/2009 (738203)  
66 06/10/2009 (738207)  
67 04/10/2009 (738976)  
68 05/05/2009 (739890)  
69 05/05/2009 (739891)  
70 04/07/2009 (740317)  
71 05/04/2009 (740997)  
72 11/20/2009 (743105)  
73 09/02/2010 (744679)  
74 06/23/2009 (745530)  
75 05/11/2010 (749688)  
76 09/22/2009 (763295)  
77 07/31/2009 (763543)  
78 05/13/2010 (763600)  
79 09/28/2009 (766433)

80 10/16/2009 (776286)  
81 12/18/2009 (776288)  
82 10/05/2009 (776297)  
83 11/17/2009 (777450)  
84 11/04/2009 (777540)  
85 11/23/2009 (777831)  
86 10/16/2009 (779107)  
87 11/16/2009 (781266)  
88 01/06/2010 (781268)  
89 08/26/2010 (784790)  
90 12/28/2009 (786653)  
91 02/05/2010 (788072)  
92 01/26/2010 (788149)  
93 03/19/2010 (788806)  
94 02/26/2010 (790721)  
95 02/26/2010 (790723)  
96 04/01/2010 (790975)  
97 04/01/2010 (790976)  
98 04/12/2010 (790977)  
99 04/01/2010 (790978)  
100 02/22/2010 (791397)  
101 02/23/2010 (792077)  
102 05/13/2010 (793660)  
103 06/01/2010 (797645)  
104 05/27/2010 (801813)  
105 06/01/2010 (802166)  
106 07/14/2010 (829979)  
107 08/04/2010 (830043)  
108 09/20/2010 (841265)  
109 09/09/2010 (860034)  
110 03/24/2011 (870425)

111 01/21/2011 (872639)  
 112 02/15/2011 (877990)  
 113 02/08/2011 (887281)  
 114 01/21/2011 (887726)  
 115 03/24/2011 (899563)  
 116 03/24/2011 (899567)  
 117 03/01/2011 (900708)  
 118 05/09/2011 (907742)  
 119 06/24/2011 (908597)  
 120 04/25/2011 (912432)  
 121 09/19/2011 (936616)  
 122 08/23/2011 (949507)  
 123 10/11/2011 (950783)  
 124 11/18/2011 (968870)  
 125 05/07/2012 (970793)  
 126 06/20/2012 (976084)  
 127 05/17/2012 (990138)  
 128 03/14/2012 (994273)

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

**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 closet the Train 7 Reactor Bleeder Valve to the North Flare System.

Date: 04/13/2009 (738976) CN600582399  
Self Report? NO Classification: Moderate  
Citation: 21538, Special Condition No. 6 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Description: Total failed to meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions released during the event.

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

Date: 05/22/2009 (721129) CN600582399  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(5)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Spec. Cond. 1 (F)(iii) OP  
Description: Failure to collect an additional sample of cooling tower water when VOC concentrations were above 50 ppbw.

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

Description: Failure to operate a stationary diesel or duel-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.

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. 2012-1362-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 petrochemical manufacturing 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 June 27, 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 Sixty-Seven Thousand One Hundred Twenty-Five Dollars (\$67,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifty-Three

Thousand Seven Hundred Dollars (\$53,700) of the administrative penalty and Thirteen Thousand Four Hundred Twenty-Five Dollars (\$13,425) 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 the Respondent returned to compliance with the allowable annual volatile organic compound ("VOC") emissions rate for the South Flare based on the rolling 12-month period that ended on April 30, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the allowable annual VOC emissions rate for the South Flare, in violation of Federal Operating Permit No. O1293, Special Terms and Conditions No. 11, New Source Review Permit ("NSRP") No. 21538, Special Conditions No. 1, 30 TEX. ADMIN. CODE §§ 122.143(4) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 25, 2012. Specifically, the Respondent exceeded the allowable annual VOC emissions rate of 2.36 tons per year based on a rolling 12-month period, from January 1, 2011 through March 31, 2012, resulting in the unauthorized release of 2.89 tons of VOC.

## 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. 2012-1362-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*Pam Sawyer*  
For the Executive Director

2/13/13  
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

11/8/2012  
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 IV, Paragraph 1 of this Agreed Order.