Executive Summary – Enforcement Matter – Case No. 46682
Total Petrochemicals & Refining USA, Inc.
RN102457520
Docket No. 2013-0773-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 & Refining USA Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County
Type of Operation:
Petrochemical refinery
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket Number: 2013-0298-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: November 1, 2013
Comments Received: No

Penalty Information

Total Penalty Assessed: $19,688
Amount Deferred for Expedited Settlement: $3,937
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $7,876
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $7,875
Name of SEP: Southeast Texas Regional Planning Commission
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 15, 2013 and March 26, 2013

Executive Summary – Enforcement Matter – Case No. 46682
Total Petrochemicals & Refining USA, Inc.
RN102457520
Docket No. 2013-0773-AIR-E

Date(s) of NOE(s): April 3, 2013 and March 26, 2013

Violation Information

1. Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that occurred on December 18, 2012 and lasted two hours (Incident No. 177339), Respondent released 553.38 pounds ("lbs") of sulfur dioxide ("SO2") from Sulfur Recovery Unit ("SRU") 4 Incinerator, Emission Point Number ("EPN") 25SRUINCIN. This emissions event occurred due to a programming code error in the Safety Instrumented System ("SIS"), which caused excess emissions to be released during the transfer of sulfur from the SRU 5 Sulfur Pit. Since this event could have been prevented by better operation and maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and Federal Operating Permit ("FOP") No. O1267, Special Terms and Conditions ("STC") No. 29].

2. Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that began on January 24, 2013 and lasted thirty-three hours (Incident No. 178483), Respondent released 13,466.40 lbs of SO2 and 146.72 lbs of hydrogen sulfide from East Flare EPN 30CKRFLR, North Flare EPN 41NORTHFLR, and South Flare EPN 53SOUTHFLR. These flares fall under EPN FLARECAP in the maximum allowable emission rate table. This emissions event occurred when insufficient washing of the coke drum during the decoking process led to a cold coke drum that quenched vapors to the fractionating tower, creating an operational upset at Unit 860. Since this event could have been prevented by better operation and maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and FOP No. O1267, STC No. 29].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent implemented following corrective measures:

a. By February 15, 2013, initiated a false start in the SIS to open the loop at the degasing pump so that complete transfer of sulfur will occur from the sulfur recovery unit in order to prevent similar emissions events as Incident No. 177339; and

b. By February 28, 2013, amended the coke cutting procedures to require that the cutting phase must begin at the coke level and there must be a minimum of two cutting passes in order to prevent similar emissions events as Incident No. 178483.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment 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: Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Nigel Tranter, Refinery Manager, Total Petrochemicals & Refining USA, Inc., P.O. Box 849, Port Arthur, Texas 77641
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-0773-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Total Petrochemicals & Refining USA, Inc.**
Penalty Amount:	**Fifteen Thousand Seven Hundred Fifty-One Dollars ($15,751)**
SEP Amount:	**Seven Thousand Eight Hundred Seventy-Five Dollars ($7,875)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program**
Location of SEP:	**Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas**

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

1. Project Description

a. Project

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) *PCW Revision August 3, 2011*

Print PCW

DATES					
Assigned	8-Apr-2013				
PCW	18-Apr-2013	Screening	18-Apr-2013	EPA Due	29-Dec-2013

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	46682	No. of Violations	2
Docket No.	2013-0773-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 4

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$11,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 100.0% Enhancement *Subtotals 2, 3, & 7* **$11,250**

Notes: Enhancement for six NOVs with dissimilar violations, eighteen orders with denial of liability and two orders without denial of liability. Reduction for four notices of intent to conduct an audit, one disclosure of violations and one environmental management system.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **$2,812**

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

Total EB Amounts $32
Approx. Cost of Compliance $5,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$19,688**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$19,688**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$19,688**

DEFERRAL 20.0% Reduction *Adjustment* **-$3,937**

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 **$15,751**

Screening Date 18-Apr-2013 **Docket No.** 2013-0773-AIR-E **PCW**

Respondent Total Petrochemicals & Refining USA, Inc. *Policy Revision 3 (September 2011)*

Case ID No. 46682 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	18	360%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	1	-2%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	Yes	-10%
	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) 406%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with dissimilar violations, eighteen orders with denial of liability and two orders without denial of liability. Reduction for four notices of intent to conduct an audit, one disclosure of violations and one environmental management system.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 406%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 100%

Screening Date 18-Apr-2013 **Docket No.** 2013-0773-AIR-E **PCW**
Respondent Total Petrochemicals & Refining USA, Inc. *Policy Revision 3 (September 2011)*
Case ID No. 46682 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN102457520
Media [Statute] Air
Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29

Violation Description Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that occurred on December 18, 2012 and lasted two hours (Incident No. 177339), the Respondent released 553.38 pounds ('lbs") of sulfur dioxide ("SO2") from Sulfur Recovery Unit ("SRU") 4 Incinerator, Emission Point Number ("EPN") 25SRUINCIN. This emissions event occurred due to a programming code error in the Safety Instrumented System, which caused excess emissions to be released during the transfer of sulfur from the SRU 5 Sulfur Pit. Since this event could have been prevented by better operation and maintenance practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $937

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

Notes: The Respondent came into compliance on February 15, 2013, before the Notice of Enforcement ("NOE") dated April 3, 2013.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $6,563

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

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 46682
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$2,500	18-Dec-2012	15-Feb-2013	0.16	$20	n/a	$20

Notes for DELAYED costs Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to the same causes. Date Required is the date of the emissions event. Final Date is the date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance $2,500

TOTAL $20

Screening Date 18-Apr-2013 **Docket No.** 2013-0773-AIR-E **PCW**

Respondent Total Petrochemicals & Refining USA, Inc. *Policy Revision 3 (September 2011)*

Case ID No. 46682 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29

Violation Description Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event that began on January 24, 2013 and lasted thirty-three hours (Incident No. 178483), the Respondent released 13,466.40 lbs of SO2 and 146.72 lbs of hydrogen sulfide from East Flare EPN 30CKRFLR, North Flare EPN 41NORTHFLR, and South Flare EPN 53SOUTHFLR. These flares fall under EPN FLARECAP in the maximum allowable emission rate table. This emissions event occurred when insufficient washing of the coke drum during the decoking process led to a cold coke drum that quenched vapors to the fractionating tower, creating an operational upset at Unit 860. Since this event could have been prevented by better operation and maintenance practices, the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 could not be met.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual		x	
	Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events 1 | 2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction $1,875

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

Notes: The Respondent came into compliance on February 28, 2013, before the NOE dated May 7, 2013.

Violation Subtotal $5,625

Economic Benefit (EB) for this violation

Estimated EB Amount $12

Statutory Limit Test

Violation Final Penalty Total $13,125

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

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 46682
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$2,500	24-Jan-2013	28-Feb-2013	0.10	$12	n/a	$12

Notes for DELAYED costs Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to the same causes. Date Required is the date of the emissions event. Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $2,500

TOTAL $12

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN600582399, RN102457520, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

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

Regulated Entity: RN102457520, TOTAL PETRO CHEMICALS & REFINING USA PORT ARTHUR REFINERY **Classification:** SATISFACTORY **Rating:** 55.00

Complexity Points: 50 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 7600 32ND ST PORT ARTHUR, TX 77642-7901, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50074
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD065099160
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30002
WASTEWATER PERMIT WQ0000491000
WASTEWATER EPA ID TX0004201
AIR NEW SOURCE PERMITS REGISTRATION 11273
AIR NEW SOURCE PERMITS REGISTRATION 35330
AIR NEW SOURCE PERMITS PERMIT 46396
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0005H
AIR NEW SOURCE PERMITS REGISTRATION 55631
AIR NEW SOURCE PERMITS AFS NUM 4824500037
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX453
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M1
AIR NEW SOURCE PERMITS EPA PERMIT N044
AIR NEW SOURCE PERMITS REGISTRATION 101772
AIR NEW SOURCE PERMITS REGISTRATION 101797
AIR NEW SOURCE PERMITS REGISTRATION 102135
AIR NEW SOURCE PERMITS REGISTRATION 101776
AIR NEW SOURCE PERMITS REGISTRATION 107454
AIR NEW SOURCE PERMITS REGISTRATION 109181
AIR NEW SOURCE PERMITS REGISTRATION 108341
AIR OPERATING PERMITS ACCOUNT NUMBER JE0005H
AIR OPERATING PERMITS PERMIT 1267
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230048
STORMWATER PERMIT TXR15NF16
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0005H
POLLUTION PREVENTION PLANNING ID NUMBER P00241

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

Date Compliance History Report Prepared: May 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2008 to May 13, 2013

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

Name: Rajesh Acharya **Phone:** (512) 239-0577

Site and Owner/Operator History:

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

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

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

1 Effective Date: 10/23/2008 ADMINORDER 2007-1427-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Rqmt Prov: 56385, Special Condition 12E PERMIT
56385, Special Condition 15 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 56385, Special Condition 4 PERMIT
56385, Special Condition 5 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 8F PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 49743, Special Condition 8 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 27 OP

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

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 12F PERMIT
56385, Special Condition 15 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

Description: Failure to conduct fugitive monitoring on components. MIN (3)(A), EIC C1

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 56385, Special Condition 13 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

Description: Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring on canisters. MOD (2)(G), EIC B18

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failure to obtain permit authorization for four carbon canisters. MOD (2)(D), EIC A2.a

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 19965, Special Condition 2 PERMIT
19965, Special Condition 5H PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP
O-01267, Special Condition 27 OP

Description: Failure to repair leaking components within 15 days after the leak was discovered. MOD (2)(G) EIC C4

Classification: Moderate

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

Rqmt Prov: O-01267, General Terms and Conditions OP
O-01267, Special Condition 1A OP

Description: Failure to conduct a visual inspection at least once every six months on an external floating roof tank. MOD(2)(E), EIC B1

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. MOD (2)(B), EIC B3

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Rqmt Prov: 9195A and PSD-TX-453M6, SC 3 PERMIT

O-01267, General Terms and Conditions OP

O-01267, SC 1A OP

O-01267, SC 27 OP

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

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-01267, Special Condition 2F OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(b)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 16840 and PSD-TX-688M2, GC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

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

2 Effective Date: 11/06/2008 ADMINORDER 2008-0243-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 1267, General Terms and Conditions OP

1267, Special Condition 27 OP

54026, Special Condition 1 PERMIT

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

Classification: Minor

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

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 7E PERMIT

O-02222, Special Condition 14 OP

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

Classification: Moderate

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

30 TAC Chapter 115, SubChapter B 115.114(a)(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 20381, PSD-TX-1005, N-044, SC 6 PERMIT

O-02222, Special Condition 14 OP

O-02222, Special Condition 1A OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 0-02222, Special Condition 14 OP
20381, PSD-TX-1005, N-044, SC 1 PERMIT
O-02222, General Terms and Conditions OP
PBR Registration 74442 PERMIT

Description: Failed to comply with the Condensate Splitter Heater combined SO2 maximum allowable emission rate ("MAER") of 6.08 lbs/hr. Specifically, on February 2, 2007 from 17:00 through 20:00, the rate varied from 7.16 to 11.33 lbs/hr, on February 21, 200 at 19:00 was 7.37 lbs/hr, on March 14, 2007 at 20:00 was 6.30 lbs/hr, and April 14, 2007 at 20:00 was 8.68 lbs/hr. MOD (2)(D), EIC A8c.(2)(A)(ii) (Violation incorrectly cited as 106.261(2) in Order.

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

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

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

3 Effective Date: 11/17/2008 ADMINORDER 2008-0726-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

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

Description: Failure to report emission events timely.

Classification: Moderate

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

Rqmt Prov: 49743, Special Condition 1 PERMIT

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

4 Effective Date: 03/23/2009 ADMINORDER 2008-1382-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

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

5 Effective Date: 04/05/2009 ADMINORDER 2008-0989-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 56385, SC 3 PERMIT
O-01267, SC 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 2347, Special Condition 1 PERMIT

2347, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

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

6 Effective Date: 07/20/2009 ADMINORDER 2007-0172-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

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

Classification: Moderate

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

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 54026 PERMIT

Permit No. 9195A/PSD-TX-453M6 SC 1 PERMIT

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

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)(10)

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

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

Classification: Moderate

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

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

9195A, Special Condition 1 PERMIT

PSD-TX-453M6 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 17352, Special Condition 4C PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 43109, Special Condition 3A PERMIT

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

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 5B PERMIT

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

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Exemption 106 PERMIT

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

Description: TOTAL has failed to comply with the emission limitations at the UNIBON Heater (EPNUNIBH301) and failed to

prevent unauthorized emissions at the Area 1 Resid Processing Complex on February 23-26, 2004, when a valve on the startup line between the heater and V-7 was left open.

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 54026, SC 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 54026, SC 4 PERMIT
54026, SC 5C PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 43109, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

Classification: Minor

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

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

emissions events beginning on July 14; and ten other reports for events beginning on July 22, 2004.
Classification: Moderate

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

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

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

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

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

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 49743 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

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

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

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

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

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

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 54026 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)

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

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)

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

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

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

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 49743 PERMIT

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

Classification: Moderate

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

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

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

Classification: Moderate

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter P 106.371

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

Rqmt Prov: BY RULE 106.371 PERMIT

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: NSR Permit No. 54026 PERMIT

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

Classification: Minor

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

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

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

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

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.146(1)

30 TAC Chapter 122, SubChapter B 122.165(b)

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

Rqmt Prov: O-02222 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 54026 PERMIT

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

Classification: Moderate

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

O-1267, General Terms & Conditions OP

O-1267, Special Terms & Conditions 27 OP

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

Classification: Moderate

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 54026, Special Condition 1 PERMIT

9195A and PSD-TX-453M6, SC 1 PERMIT

O-01267, General Terms and Conditions OP

O-01267, Special Condition 27 OP

Description: TOTAL has failed to prevent unauthorized emissions of 229.98 lbs of H2S, 22,144.41 lbs of SO2, 352.24 lbs of NOx, 666.45 lbs of Carbon Monoxide CO, 19.42 lbs of PM, 30.76 lbs of VOC, and 10.10 lbs of NH3 from the North and

South Flares and the Sulfur Recovery Tail Gas Oxidizer during a 4 hr 40 minute emissions event on November 29, 2006.
Classification: Moderate

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

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

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

7 Effective Date: 10/04/2009 ADMINORDER 2009-0491-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: O-02222 OP

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

8 Effective Date: 10/31/2009 ADMINORDER 2008-0413-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

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

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

Classification: Minor

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

Rqmt Prov: O-01267, Special Condition 2(F) OP

Description: Failure to properly report an emission event.

Classification: Major

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

Rqmt Prov: 56409, Special Condition 1 PERMIT
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 20381, Special Condition 1 PERMIT
O-02222, Special Condition 14 OP

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

Classification: Moderate

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

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

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

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

9 Effective Date: 03/20/2010 ADMINORDER 2009-1446-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT
Special Condition 26 OP
Description: Failure to maintain allowable emissions rates.

10 Effective Date: 07/11/2010 ADMINORDER 2009-1921-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Conditions OP
Special Condition 1 PERMIT
Special Condition 28 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Conditions OP
Special Condition 1 PERMIT
Special Condition 28 OP
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii) MOD (2)(D)

11 Effective Date: 08/09/2010 ADMINORDER 2009-2089-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Conditon 14 OP
Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).

12 Effective Date: 08/30/2010 ADMINORDER 2010-0257-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 28 OP
Special Condition PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii) MOD (2)(D)
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 2F OP
Description: Failure to properly report emission events. EIC C3 MIN (3)(C)

13 Effective Date: 08/30/2010 ADMINORDER 2006-0561-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT
O-02222/Special Condition 14 OP
Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN 40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units ("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: FOP O2222 General Terms and Conditions OP
O-01267, General Terms and Conditions OP
O-01267, Special Condition 9A OP
Description: Failure to include a certificate of accuracy and completeness signed by a responsible official in reports submitted to the ED. Specifically, the following reports were not certified by a responsible official: the 05/14/04 to 11/14/04, and 11/15/04 to 05/14/05, deviation reports for FOP No. 2222; the 05/14/04 to 05/14/05, annual compliance certification for FOP No. 2222; the 11/22/04 to 05/22/05, deviation report for FOP No. 1267; and the CEMS Certification Report submitted 10/28/05.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 20381/PSD-TX-1005/N-044 PERMIT
O-02222/Special Condition 14 OP
Description: Failure to conduct annual seal gap measurements on external floating roof tanks. Specifically, TOTAL failed to conduct the annual seal gap measurements on Tanks 800, 801, and 802 for the period covering May 14, 2004 to May 14, 2005.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 20381/PSD-TX-1005/N044 PERMIT
O-02222, Special Condition 14 OP
Description: Failure to comply with the PM and VOC emission rates. Specifically, on February 17 and March 18, 2005, the Plant experienced heater duty exceedances during which the PM and VOC emission rates limits of 2.32 and 0.57 lb/hr, respectively, were exceeded for the condensate splitter heater EPN 40CSPLth-1.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to list a rule citation in the November 14, 2004 to May 14, 2005, semiannual deviation report for FOP No. 2222. Specifically, TOTAL failed to list 30 Tex. Admin. Code § 115.114(a)(2) as part of the requirements to physically measure Tanks 800, 801, 802, and 805 for seal gaps on an annual basis. Also, for the November 22, 2004 through May 22, 2005, reporting period TOTAL failed to report deviations for FOP 1267.
Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 56382, Special Condition 19B PERMIT
56385, Special Condition 3 PERMIT
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 5694A, Special Condition 3 PERMIT
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failure to maintain the minimum sulfur recovery efficiency of the Sulfur Recovery Unit ("SRU"). Specifically, from June 30 until July 5, 2005, the sulfur recovery efficiency at the SRU (SRU 1 and 3) was less than 99.9%.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 56385, Special Condition 12L PERMIT
O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov: 56385, Special Condition 9A PERMIT
O-01267, Special Condition 27 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)

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

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

Description: Failure to explain and authorize the delay of repair of VOC component leaks in a semiannual report. Specifically, the delay of repair explanation and authorization signature were not submitted for five components at 812-ACU1 in the deviation report for FOP 1267 covering May 22 to November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O-01267, Special Condition 24 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: O-01267, Special Condition 24 OP

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 46396, Special Condition 4 PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: 17920, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

14 Effective Date: 05/08/2011 ADMINORDER 2009-0131-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

Description: Failed to maintain allowable emissions rates. Specifically, the annual emission limits for volatile organic

compounds ("VOCs") were exceeded for 12 tanks during 2006: 22TANK0482 by 0.5 ton, 22TANK0516 by 0.042 ton, 22TANK0530 by 1.08 tons, 22TANK0537 by 0.18 ton, 22TANK0541 by 5.16 tons, 22TANK0542 by 4.95 tons, 22TANK0906 by 0.65 ton, 22TANK0907 by 0.65 ton, 22TANK0917 by 1.37 tons, 22TANK0918 by 1.72 tons, 22TANK0934 by 0.39 ton, and 20TANK2000 by 0.1 ton.

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

15 Effective Date: 07/31/2011 ADMINORDER 2010-1300-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT
Special Condition 1 PERMIT
Special Condition 2 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

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

Rqmt Prov: General Condition 8 PERMIT
Special Terms and Conditions 28 PERMIT

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT
Special Condition 2 PERMIT
Special Terms and Conditions 28 OP
Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Terms and Conditions 28 OP
Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 3 PERMIT
Special Terms and Condtion 28 OP
Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 8 PERMIT
Special Terms and Conditions 28 OP
Description: Failure to maintain allowable emissions rates and concentrations. EIC A8 C(2)(A)(ii) MOD(2)(D)
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 3 PERMIT
Special Terms and Conditions 28 OP
Description: Failure to maintain proper temperature at the chlorosorb inlet. EIC A8 C(1)(B) MOD (2)(G)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Condition 8 PERMIT

Special Condition 1 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable emissions rates. EIC A8 C(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 4 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to authorize Tank 586, EPN 22TANK0586, for its current service. EIC A2.c MOD (2)(G)

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 28 OP

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c2(A)(ii)

Classification: Moderate

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

Rqmt Prov: Special Condition 18 PERMIT
Special Condition 19 PERMIT
Special Terms and Conditions 28 OP

Description: Failure to maintain allowable throughput rates. EIC B18 Repeat and Rolled in. MOD (2)(D)

16 Effective Date: 08/27/2011 ADMINORDER 2011-0260-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: PSD-TX-1005, Special Condition 1 PERMIT
PSD-TX-1005, Special Condition 12 PERMIT
Special Condition 17 OP

Description: Failure to maintain allowable emissions rates and firing rates at Emission Point Number (EPN) 40CSPLTH-1. EIC A8c.(2)(A)(ii) MOD(2)(D)

17 Effective Date: 04/05/2012 ADMINORDER 2011-1477-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1267, Spec Terms and Cond No 29 OP
Permit No. 5694A, Gen Cond No. 8 PERMIT
Permit Nos 18936 & PSDTX762M3, MAERT PERMIT
Permit Nos 18936 & PSDTX762M3, SC 8 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limit, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the carbon monoxide ("CO") hourly emission rate, exceeded the sulfur dioxide ("SO2") hourly emission rate, and exceeded the CO and SO2 concentration limits at Emissions Point Number (¿EPN¿) 55RGNFLUGS, resulting in the total release of 600.07 lbs of CO and 628

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1267, Spec Terms & Cond 29 OP
Permit No. 8983A, Spec Cond No 1 PERMIT
Permit Nos. 3615 and PSDTX058, GC 1 PERMIT
Permit Nos. 9194A and PSDTX453M6, SC 1 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1267 SC No 29 OP
Permit No. 43109, Spec Cond No 3 PERMIT
Permit No. 43109, Spec Cond No 8 PERMIT
Permit Nos 9195A & PSDTX453M6 SC 1 PERMIT
Permit Nos 9195A & PSDTX453M6 SC 3A ORDER
Permit Nos 9195A and PSDTX453M6 SC 5 PERMIT

Description: Failed to comply with the hourly allowable emissions rate and the concentration limits, as documented during an investigation conducted from April 12 to April 15, 2011, and shown in the attached table. Specifically, the Respondent exceeded the CO hourly emission rate and exceeded the NOx concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO2 hourly emission rate, exceeded the hydrogen

Classification: Moderate

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

Rqmt Prov: FOP No. O1267, Spec Cond 29 OP
Permit Nos. 9193A & PSDTX453M6, SC 2 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1267 SC 29 OP
Permit Nos. 46396 &PSDTX1073M1 SC 1 PERMIT
Permit Nos. 46396 &PSDTX1073M1 SC 24 PERMIT
Permit Nos. 46396 &PSDTX1073M1 SC 26 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, the concentration limit, and the minimum firebox temperature, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, during the period of October 1, 2010 to December 31, 2010, the Respondent exceeded the SO2 hourly emission rate of 55.31 lbs/hr for six hours and exceeded the H2S hourly emission rate of 0.03 lbs/hr for six hours at EPN 25RUINCIN, resulting in the

total release of 454.56 lbs of SO2
Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.472
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1267 SC 29 OP
PBR 30 Tex. Admin. Code § 106.472 PERMIT

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

Classification: Moderate

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

Rqmt Prov: FOP No. O1267 SC 29 OP
Permit No. 56385, Spec Cond No. 1 PERMIT

Description: Failed to comply with the hourly allowable emissions rate, as documented during an investigation conducted from April 12 to April 15, 2011. Specifically, between April 21, 2010 and December 6, 2010, the Respondent exceeded the allowable VOC hourly emissions rates for 21 EPNs during 70 monitoring events, resulting in the total release of 270.259 lbs of VOC.

18 Effective Date: 08/02/2012 ADMINORDER 2012-0087-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: 46396, Special Condition 1 PERMIT
54026, Special Condition 1 PERMIT
8983A, Special Condition 1 PERMIT
FOP 1267, General Terms and Conditions OP
FOP 1267, Special Condition 29 OP

Description: Failed to prevent unauthorized emissions, as documented during a record review conducted from September 7, 2011 through October 14, 2011. Specifically, the Respondent released 502.02 pounds ("lbs") of hydrogen sulfide, 48,346.12 lbs of sulfur dioxide, 137.72 lbs of nitrogen oxides, 67.24 lbs volatile organic compounds, and 33.06 lbs of carbon monoxide from the North, South, and East Flares, Coke Heater 2, the Distillate Hydrotreater 3 Heater, the Sulfur Recovery Unit (¿SRU¿) 4 Tailgas Thermal

19 Effective Date: 09/29/2012 ADMINORDER 2012-0335-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: and PSDTX1073M1, Special Condition 1 PERMIT
General conditions No. 8 PERMIT
Special Condition 29 OP

Description: Failed to prevent unauthorized emissions. Specifically, Respondent released 12,089.02 pounds ("lbs") of nitrogen oxides, 8,773.33 lbs of sulfur dioxide, 574.33 lbs of carbon monoxide, 526.13 lbs of volatile organic compounds, 173.55 lbs of particulate matter, and 91.93 lbs of hydrogen sulfide from the Coker Flare and the Cogeneration Stack during an avoidable emissions event (Incident Nos. 160291 and 160297) that began on October 7, 2011, and lasted 17 hours. The event was the result of hydrog

20 Effective Date: 04/27/2013 ADMINORDER 2012-0821-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

Rqmt Prov: Special Conditions No. 1 PERMIT
Special Conditions No. 10 PERMIT
STC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during the reporting period of October 1, 2011 through December 31, 2011, the Respondent exceeded the allowable nitrogen oxides ("NOx") hourly emissions rate of 2.11 pounds per hour ("lbs/hr") for a total of 134 hours, the carbon monoxide ("CO") parts per million ("ppm") limit of 50 ppm for nine hours, and the NOx emission limit of 0.01 pound per million Brit

Classification: Moderate

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

Rqmt Prov: Permit No. 46396, SC No. 1 PERMIT
STC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on December 2, 2011, the Respondent exceeded the particulate matter ("PM") maximum allowable hourly emissions rate of 0.74 lb/hr for EPN 06VDU2CHTR.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT
SC 1A OP
SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate and to maintain a floating roof, as documented during a record review conducted on March 2, 2012. Specifically, for a total of two hours during the reporting period of January 1, 2011 through March 31, 2011, the Respondent exceeded the allowable volatile organic compounds ("VOC") hourly emission rate of 0.66 pound per hour ("lb/hr") when the roof of Tank 543 was not floating on the liquid in the tank, resulting in the unauthorized releas

Classification: Moderate

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

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT
& PSDTX1073M1, SC 10 PERMIT
SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during the reporting period of July 1, 2011 through September 30, 2011, the Respondent exceeded the allowable nitrogen oxides ("NOx") hourly emission rate of 2.11 lb/hr for a total of 115 hours and the NOx emission limit of 0.01 lbs per million British thermal units ("lb/MMBtu") on an hourly average was exceeded for 137 hours at Emission Point No. 30CKRHTR2,

Classification: Moderate

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

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT
SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during performance stack tests conducted on April 25 and 28, 2011, June 30, 2011, and July 1 and 2, 2011, the Respondent exceeded the particulate matter ("PM") maximum allowable hourly emissions rate of 0.60 lb/hr for EPNs 25SRUINCIN and 36SRUINCIN

Classification: Moderate

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

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT
SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on July 26, 2011, the Respondent exceeded the PM maximum allowable hourly emissions rate of 0.74 lb/hr for EPN 06VDU2CHTR.

Classification: Moderate

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

Rqmt Prov: & PSDTX1073M1, SC 1 PERMIT
SC 29 OP

Description: Failed to comply with the allowable hourly emissions rate, as documented during a record review conducted on March 2, 2012. Specifically, during a performance stack test conducted on May 25, 2011, the Respondent exceeded the PM maximum allowable hourly emissions rate of 1.57 lbs/hr for EPN 30CKRHTR1.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 14, 2008	(646173)
Item 2	June 13, 2008	(653949)
Item 3	June 18, 2008	(654558)
Item 4	June 23, 2008	(433051)
Item 5	July 08, 2008	(683932)
Item 6	July 09, 2008	(683891)
Item 7	July 18, 2008	(680236)
Item 8	July 20, 2008	(686130)
Item 9	July 22, 2008	(686798)
Item 10	August 01, 2008	(683847)
Item 11	August 02, 2008	(686525)
Item 12	August 11, 2008	(710654)
Item 13	September 26, 2008	(710655)
Item 14	November 03, 2008	(710657)
Item 15	November 25, 2008	(704294)
Item 16	December 08, 2008	(709730)
Item 17	December 15, 2008	(721187)
Item 18	December 30, 2008	(707925)
Item 19	January 14, 2009	(727426)
Item 20	January 23, 2009	(723990)
Item 21	February 11, 2009	(750182)
Item 22	February 20, 2009	(724769)
Item 23	February 25, 2009	(722192)
Item 24	March 15, 2009	(750183)
Item 25	March 25, 2009	(738580)
Item 26	April 02, 2009	(741283)
Item 27	April 08, 2009	(738716)
Item 28	April 14, 2009	(741430)
Item 29	April 23, 2009	(743539)
Item 30	June 03, 2009	(743882)
Item 31	June 10, 2009	(768294)

Item 32	June 19, 2009	(748246)
Item 33	July 28, 2009	(747611)
Item 34	July 29, 2009	(762923)
Item 35	August 17, 2009	(804455)
Item 36	August 27, 2009	(767640)
Item 37	August 31, 2009	(763762)
Item 38	September 09, 2009	(804456)
Item 39	October 05, 2009	(766803)
Item 40	October 13, 2009	(766561)
Item 41	October 16, 2009	(804457)
Item 42	October 19, 2009	(767318)
Item 43	October 23, 2009	(764009)
Item 44	November 03, 2009	(780844)
Item 45	November 05, 2009	(778036)
Item 46	November 10, 2009	(781160)
Item 47	November 18, 2009	(804458)
Item 48	November 24, 2009	(782730)
Item 49	December 01, 2009	(781499)
Item 50	December 09, 2009	(784593)
Item 51	December 14, 2009	(804459)
Item 52	December 23, 2009	(784332)
Item 53	December 29, 2009	(784896)
Item 54	January 15, 2010	(804460)
Item 55	February 08, 2010	(788346)
Item 56	February 09, 2010	(787401)
Item 57	February 15, 2010	(786380)
Item 58	February 17, 2010	(791215)
Item 59	March 10, 2010	(830807)
Item 60	March 23, 2010	(793733)
Item 61	March 30, 2010	(795174)
Item 62	April 12, 2010	(797840)
Item 63	April 13, 2010	(797733)
Item 64	April 16, 2010	(798879)
Item 65	April 26, 2010	(795684)
Item 66	May 06, 2010	(796813)
Item 67	May 28, 2010	(824387)
Item 68	June 02, 2010	(803580)
Item 69	June 10, 2010	(846243)
Item 70	June 17, 2010	(803554)
Item 71	July 13, 2010	(860839)
Item 72	August 13, 2010	(830163)
Item 73	September 14, 2010	(873876)
Item 74	September 16, 2010	(864088)
Item 75	September 20, 2010	(844707)
Item 76	October 18, 2010	(881477)
Item 77	October 28, 2010	(869954)
Item 78	October 29, 2010	(872259)
Item 79	November 03, 2010	(864116)
Item 80	November 18, 2010	(888008)
Item 81	December 17, 2010	(896210)
Item 82	January 20, 2011	(886654)
Item 83	February 12, 2011	(894703)
Item 84	March 11, 2011	(916319)
Item 85	April 08, 2011	(924760)
Item 86	May 24, 2011	(908045)
Item 87	June 10, 2011	(914692)
Item 88	June 17, 2011	(945323)
Item 89	August 10, 2011	(933596)
Item 90	August 29, 2011	(933491)
Item 91	September 12, 2011	(951969)

Item 92	September 22, 2011	(956724)
Item 93	October 11, 2011	(971351)
Item 94	October 12, 2011	(952093)
Item 95	October 14, 2011	(958045)
Item 96	November 11, 2011	(977511)
Item 97	November 29, 2011	(958801)
Item 98	November 30, 2011	(969375)
Item 99	December 09, 2011	(984277)
Item 100	December 16, 2011	(974564)
Item 101	January 13, 2012	(990579)
Item 102	January 19, 2012	(976971)
Item 103	February 07, 2012	(982732)
Item 104	February 17, 2012	(980732)
Item 105	February 24, 2012	(988060)
Item 106	April 16, 2012	(1010027)
Item 107	April 19, 2012	(988208)
Item 108	April 30, 2012	(997171)
Item 109	May 08, 2012	(1002073)
Item 110	May 16, 2012	(1002274)
Item 111	May 18, 2012	(1016422)
Item 112	May 30, 2012	(1002953)
Item 113	June 09, 2012	(1008869)
Item 114	July 27, 2012	(1021025)
Item 115	August 09, 2012	(1015946)
Item 116	August 10, 2012	(1037914)
Item 117	August 16, 2012	(1022467)
Item 118	August 20, 2012	(1027339)
Item 119	August 21, 2012	(1021951)
Item 120	September 12, 2012	(1028012)
Item 121	September 17, 2012	(1046642)
Item 122	September 18, 2012	(1031369)
Item 123	October 15, 2012	(1036834)
Item 124	October 26, 2012	(1027738)
Item 125	November 12, 2012	(1060789)
Item 126	November 15, 2012	(1037017)
Item 127	November 19, 2012	(1042247)
Item 128	December 11, 2012	(1060790)
Item 129	January 08, 2013	(1051134)
Item 130	January 10, 2013	(1078913)
Item 131	February 05, 2013	(1053207)
Item 132	February 11, 2013	(1055972)
Item 133	February 18, 2013	(1078912)
Item 134	March 28, 2013	(1072936)
Item 135	April 05, 2013	(1076725)
Item 136	April 10, 2013	(1075446)
Item 137	April 15, 2013	(1076485)
Item 138	April 23, 2013	(1060427)
Item 139	April 26, 2013	(1060325)
Item 140	May 10, 2013	(1088067)

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

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

1 Date: 05/31/2012 (1024142) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 06/30/2012 (1031538) CN600582399
Self Report? YES Classification: Moderate

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

3 Date: 07/31/2012 (1021520) CN600582399
Self Report? NO Classification: Moderate
Citation: PC 2(g) PERMIT
Description: Failure by Total Petrochemicals USA, Inc. to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall.
Self Report? NO Classification: Moderate
Citation: ELMR 1 PERMIT
Description: Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent for total suspended solids at Outfall 005.

4 Date: 08/07/2012 (1015020) CN600582399
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 63, SubChapter C, PT 63, SubPT A 63.7(g)
5C THSC Chapter 382 382.085(b)
Special Condition 27 OP
Special Condition 4 PERMIT
Description: Failure to submit 2 Flare stack test reports within 60 days after sampling was completed.

5 Date: 09/30/2012 (1060788) CN600582399
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6 Date: 01/03/2013 (1049490) CN600582399
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 7 PERMIT
Description: Failure to submit the Cogen Fuel Gas Drum CEMS Relative Accuracy Test Audit (RATA) report within 60 days after testing.

F. Environmental audits:

Notice of Intent Date: 11/14/2008 (721343)
No DOV Associated

Notice of Intent Date: 02/13/2009 (740077)
Disclosure Date: 08/14/2009
Viol. Classification: Moderate
Citation: 40 CFR Part 61, Subpart FF 61.355(c)(3)
Description: Failure to collect a minimum of three representative samples form each waste stream.

Notice of Intent Date: 09/08/2009 (776664)
No DOV Associated

Notice of Intent Date: 11/30/2011 (981069)
No DOV Associated

G. Type of environmental management systems (EMSs):

1 ENVIRONMENTAL MANAGEMENT SYSTEM 30 TAC CERTIFIED

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.	**§**	
RN102457520	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2013-0773-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 refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The 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 notices of the violations alleged in Section II ("Allegations") on or about April 8, 2013 and May 12, 2013.

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 Nineteen Thousand Six Hundred Eighty-Eight Dollars ($19,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight

Hundred Seventy-Six Dollars ($7,876) of the administrative penalty and Three Thousand Nine Hundred Thirty-Seven Dollars ($3,937) 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. Seven Thousand Eight Hundred Seventy-Five Dollars ($7,875) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director 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 implemented following corrective measures at the Plant:

   a. By February 15, 2013, initiated a false start in the Safety Instrumented System ("SIS") to open the loop at the degasing pump so that complete transfer of sulfur will occur from the sulfur recovery unit ("SRU") in order to prevent similar emissions events as Incident No. 177339; and

   b. By February 28, 2013, amended the coke cutting procedures to require that the cutting phase must begin at the coke level and there must be a minimum of two cutting passes in order to prevent similar emissions events as Incident No. 178483.

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 prevent unauthorized emissions during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted on February 15, 2013. Specifically, during an emissions event that occurred on December 18, 2012 and lasted two hours (Incident No. 177339), the Respondent released 553.38 pounds ("lbs") of sulfur dioxide ("SO2") from SRU4 Incinerator, Emission Point Number ("EPN") 25SRUINCIN. This emissions event occurred due to a programming code error in the SIS, which caused excess emissions to be released during the transfer of sulfur from the SRU 5 Sulfur Pit. Since this event could have been prevented by better operation and maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

2. Failed to prevent unauthorized emissions during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions No. 1, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29, as documented during an investigation conducted on March 26, 2013. Specifically, during an emissions event that began on January 24, 2013 and lasted thirty-three hours (Incident No. 178483), the Respondent released 13,466.40 lbs of SO2 and 146.72 lbs of hydrogen sulfide from East Flare EPN 30CKRFLR, North Flare EPN 41NORTHFLR, and South Flare EPN 53SOUTHFLR. These flares fall under EPN FLARECAP in the maximum allowable emission rate table. This emissions event occurred when insufficient washing of the coke drum during the decoking process led to a cold coke drum that quenched vapors to the fractionating tower, creating an operational upset at Unit 860. Since this event could have been prevented by better operation and maintenance practices, the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 could not be met.

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. 2013-0773-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seven Thousand Eight Hundred Seventy-Five Dollars ($7,875) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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

_____ 11/18/13
For the Executive Director 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.

_____ 09/16/13
Signature Date

NIGEL TRANTER REFINERY MANAGER
Name (Printed or typed) Title
Authorized Representative of
Total Petrochemicals & Refining USA, Inc.

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.

Attachment A
Docket Number: 2013-0773-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Total Petrochemicals & Refining USA, Inc.**
Penalty Amount:	**Fifteen Thousand Seven Hundred Fifty-One Dollars ($15,751)**
SEP Amount:	**Seven Thousand Eight Hundred Seventy-Five Dollars ($7,875)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program**
Location of SEP:	**Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas**

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

1. Project Description

a. Project

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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