

Executive Summary – Enforcement Matter – Case No. 49507
Total Petrochemicals & Refining USA, Inc.
RN102457520
Docket No. 2014-1550-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, near Port Arthur, Jefferson County

Type of Operation:

Refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2014-1605-AIR-E, 2014-1289-AIR-E, 2014-1005-AIR-E, and 2015-0324-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 13, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,000

Amount Deferred for Expedited Settlement: \$3,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$6,000

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49507
Total Petrochemicals & Refining USA, Inc.
RN102457520
Docket No. 2014-1550-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 8, 2014 through October 14, 2014

Date(s) of NOE(s): October 15, 2014

Violation Information

Failed to provide a sufficient volume to ensure that sour water residence time in Volatile Organic Compounds ("VOC") Storage Tank No. 1000 ("Tank 1000") and VOC Storage Tank No. 1002 ("Tank 1002") is three days. Specifically, on or about August 7, 2014, the Respondent removed VOC Storage Tank No. 1001 ("Tank 1001") from service and began operating Tanks 1000 and 1002 without sufficient volume, resulting in a sour water residence time of less than three days [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 ("SC") No. 33, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP. (See SEP Attachment A)
2. The Order will also require the Respondent to, by October 30, 2015, submit written certification demonstrating that Tanks 1000, 1001, and 1002 are being operated in accordance with NSR Permit Nos. 46396, PSDTX1073M1, and N044, SC No. 33.

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

Executive Summary – Enforcement Matter – Case No. 49507
Total Petrochemicals & Refining USA, Inc.
RN102457520
Docket No. 2014-1550-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rachel Bekowies, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2608; 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., 7600 32nd Street, Port Arthur, Texas 77641

Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-1550-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals & Refining USA, Inc.
Penalty Amount:	Twelve Thousand Dollars (\$12,000)
SEP Offset Amount:	Six Thousand Dollars (\$6,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

Total Petrochemicals & Refining USA, Inc.
Agreed Order - Attachment A

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	20-Oct-2014	Screening	20-Oct-2014	EPA Due	
	PCW	20-Oct-2014				

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.	49507	No. of Violations	1
Docket No.	2014-1550-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Bekowies
		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	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$7,500
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Notes: Enhancement for one NOV with same/similar violations, four NOVs with dissimilar violations, 15 orders with a denial of liability, one order without denial of liability, and one consent decree with a denial of liability. Reduction for six Notices of Intent to conduct an audit, two Disclosures of Violations, and having an environmental management system in place.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$123
 Estimated Cost of Compliance: \$2,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$15,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,000
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,000
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Screening Date 20-Oct-2014

Docket No. 2014-1550-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49507

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	15	300%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%

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) 348%

>> **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 one NOV with same/similar violations, four NOVs with dissimilar violations, 15 orders with a denial of liability, one order without denial of liability, and one consent decree with a denial of liability. Reduction for six Notices of Intent to conduct an audit, two Disclosures of Violations, and having an environmental management system in place.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 348%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 20-Oct-2014

Docket No. 2014-1550-AIR-E

PCW

Respondent Total Petrochemicals & Refining USA, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49507

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102457520

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

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 ("NSR") Permit Nos. 46396, PSDTX1073M1, and N044, Special Conditions ("SC") No. 33, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29

Violation Description

Failed to provide a sufficient volume to ensure that sour water residence time in Volatile Organic Compounds ("VOC") Storage Tank No. 1000 ("Tank 1000") and VOC Storage Tank No. 1002 ("Tank 1002") is three days. Specifically, on or about August 7, 2014, the Respondent removed VOC Storage Tank No. 1001 ("Tank 1001") from service and began operating Tanks 1000 and 1002 without sufficient volume, resulting in a sour water residence time of less than three days.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

74 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events, one per tank without sufficient volume, are recommended based on the August 7, 2014 violation start date to the October 20, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$123

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent Total Petrochemicals & Refining USA, Inc.
Case ID No. 49507
Reg. Ent. Reference No. RN102457520
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	7-Aug-2014	30-Oct-2015	1.23	\$123	n/a	\$123

Notes for DELAYED costs

Estimated cost to operate Tanks 1000, 1001, and 1002 in accordance with NSR Permit Nos. 46396, PSDTX1073M1, and N044, SC No. 33. The Date Required is the first date of non-compliance. The 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

\$2,000

TOTAL

\$123

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 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600582399, Total Petrochemicals & Refining USA, Inc. **Classification:** SATISFACTORY **Rating:** 11.36

Regulated Entity: RN102457520, TOTAL PETROCHEMICALS & REFINING USA PORT ARTHUR REFINERY **Classification:** SATISFACTORY **Rating:** 21.17

Complexity Points: 49 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 7600 32ND STREET NEAR PORT ARTHUR, TEXAS 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 121637

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 118814

AIR NEW SOURCE PERMITS REGISTRATION 110761

AIR NEW SOURCE PERMITS REGISTRATION 110766

AIR NEW SOURCE PERMITS REGISTRATION 110773

AIR NEW SOURCE PERMITS REGISTRATION 107454

AIR NEW SOURCE PERMITS REGISTRATION 109181

AIR NEW SOURCE PERMITS REGISTRATION 108341

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1073M2

AIR NEW SOURCE PERMITS REGISTRATION 110165

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1426

AIR NEW SOURCE PERMITS REGISTRATION 118073

AIR NEW SOURCE PERMITS REGISTRATION 110768

AIR NEW SOURCE PERMITS REGISTRATION 111965

AIR NEW SOURCE PERMITS REGISTRATION 110763

AIR NEW SOURCE PERMITS PERMIT 122353

AIR NEW SOURCE PERMITS REGISTRATION 110769

AIR OPERATING PERMITS ACCOUNT NUMBER JE0005H

AIR OPERATING PERMITS PERMIT 1267

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230048

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0005H

POLLUTION PREVENTION PLANNING ID NUMBER P00241

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: November 19, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 20, 2009 to October 20, 2014

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

Name: Rachel Bekowies

Phone: (512) 239-2608

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: 10/31/2009 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 Condition 26 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:O-01267, Special Condition 2(F) OP
Description: Failure to properly report an emission event.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:56409, Special Condition 1 PERMIT
O-01267, Special Condition 27 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:20381, Special Condition 1 PERMIT
O-02222, Special Condition 14 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:9195A, Special Condition 1 PERMIT
O-01267, General Terms and Conditions OP
O-01267, Special Condition 26 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:1267, General Terms and Conditions OP
1267, Special Terms and Conditions 27 OP
49136, General Condition 8 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8(c)(2)(A)(ii) MOD(2)(D)
- 2 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.

- 3 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)
- 4 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 Condition 14 OP
Description: Failure to maintain allowable emissions rates. A8c(2)(A)(ii).
- 5 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 A8c(2)(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)
- 6 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 THSC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:20381/PSD-TX-1005/N-044 PERMIT
O-02222/Special Condition 14 OP

Description: Failure to maintain the specific heat factors for the Condensate Splitter Heater EPN 40CSPLth-1. Specifically, on June 22, July 11, 22, and 23, August 3, September 20 and 28, and November 8, 2004, the CO heat specific factor of 0.011 pounds per million British Thermal Units ("lbs/MMBtu") per hour was exceeded for a total of 15 hours. Also, on July 10 and 22, 2004, the NOx heat specific factor of 0.08 lbs/MMBtu per hour was exceeded for a total of 22 hours.

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

Rqmt Prov:FOP O2222 General Terms and Conditions OP

O-01267, General Terms and Conditions OP

O-01267, Special Condition 9A OP

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

Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.120

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

O-02222/Special Condition 14 OP

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

Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:20381/PSD-TX-1005/N044 PERMIT

O-02222, Special Condition 14 OP

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

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

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:56382, Special Condition 19B PERMIT

56385, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:5694A, Special Condition 3 PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)

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

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

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

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

Rqmt Prov:16840/PSD-TX-688M2, Special Condition 2 PERMIT

16840/PSD-TX-688M2, Special Condition 4B PERMIT

18936/PSD-TX-762M2, Special Condition 7 PERMIT

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

2347, Special Condition 5 PERMIT

3615/PSD-TX-058, Special Condition 2 PERMIT

43109, Special Condition 3A PERMIT

43109, Special Condition 3B PERMIT

43109, Special Condition 5 PERMIT

55684, Special Condition 7 PERMIT

9194A/PSD-TX-453M6, Special Condition 3 PERMIT

9195A/PSD-TX-436M6 PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:54026, Special Condition 5D PERMIT

54026, Special Condition 6 PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov:56385, Special Condition 12L PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

Rqmt Prov:56385, Special Condition 9A PERMIT

O-01267, Special Condition 27 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

period.

Classification: Minor

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

Rqmt Prov:O-01267, Special Condition 24 OP

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

Classification: Moderate

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

Rqmt Prov:O-01267, Special Condition 24 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov:9195A/PSD-TX-453M6, SC 5 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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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.

8 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 Condition 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)

9 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)

10 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 NO_x concentration limit at EPN 61STACKBLR, resulting in the total release of 1,090.14 lbs of CO. The Respondent exceeded the CO hourly emission rate, exceeded the SO₂ hourly emission rate, exceeded the hydrogen

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.

11 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

12 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

13 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 release.

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.

14 Effective Date: 11/11/2013 ADMINORDER 2013-0298-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 PSDTX1073M2, Special Condition 1 PERMIT

General Terms and Conditions OP

Special Condition 29 OP

Description: Failure to maintain an emission rate below the allowable emission limit at EPN 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:and PSDTX1005, Special Condition 1 PERMIT

General Terms and Conditions OP

Special Condition 29 OP

Description: Failure to comply with the emissions limits as found in Permit 20381.

Classification: Moderate

Citation: 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 TERMS AND CONDITIONS OP

PSDTX1073M1, N044, SPECIAL CONDITIONS 1 PERMIT

SPECIAL TERMS AND CONDITIONS 29 OP

SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

15 Effective Date: 01/24/2014 ADMINORDER 2013-0773-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 THSC Chapter 382 382.085(b)

Rqmt Prov:;, PSDTX1073M1, AND N044, SC 1 PERMIT

GENERAL TERMS AND CONDITIONS OP

SPECIAL TERMS AND CONDITIONS 29 OP

SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

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:GENERAL TERMS AND CONDITIONS OP

PSDTX1073M1 N044, SPECIAL CONDITIONS 1 PERMIT

SPECIAL TERMS AND CONDITIONS 29 OP

SPECIAL TERMS AND CONDITIONS 32B OP

Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(1)(C) MOD(2)(D)

16 Effective Date: 10/05/2014 ADMINORDER 2014-0046-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov.: PSDTX1073M1 & N044, GEN. CONDITIONS 9 PERMIT
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP
SPECIAL TERMS AND CONDITIONS 2F OP

Description: Failed to submit a final record for Incident No. 185338 no later than two weeks after the end of the emissions event. Specifically, the final report was due by July 23, 2013 at 11:00 p.m., but was not submitted until July 24, 2013 at 2:15 p.m.

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 & N044, GEN. CONDITIONS 8 PERMIT
, PSDTX1073M1 & N044, SP. CONDITIONS 1 PERMIT
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. The Respondent released 2,985.60 lbs of SO₂ and 83.53 lbs of H₂S from the Tail Gas Thermal Oxidizer, EPN 15SRUINCIN, during an emissions event (Incident No. 185338) that began on July 9, 2013 and lasted six hours. The event occurred when a leak developed on the amine piping to the rich/lean amine exchanger within the SCOT No. 1 Unit. Since this emissions event was not properly reported, the Respondent is precluded from asserting an affirmative defense.

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 & N044, GEN. CONDITIONS 8 PERMIT
, PSDTX1073M1 & N044, SP. CONDITIONS 1 PERMIT
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERMS AND CONDITIONS 29 OP

Description: Failed to prevent unauthorized emissions. The Respondent released 5,022.89 lbs of SO₂, 76.75 lbs of nitrogen oxides, 55.36 lbs of H₂S, 34.54 lbs of particulate matter, and 24.42 lbs of volatile organic compounds from the Delayed Coker Unit Heater Nos. 1 and 2, EPNs 30CKRHTR1 and 30CKRHTR2, and the East and South Flares, EPN FLARECAP, during an emissions event (Incident No. 185704) that began on July 19, 2013 and lasted one hour and 30 minutes.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 23, 2009	(764009)
Item 2	November 03, 2009	(780844)
Item 3	November 05, 2009	(778036)
Item 4	November 10, 2009	(781160)
Item 5	November 18, 2009	(804458)
Item 6	November 24, 2009	(782730)

Item 7	December 01, 2009	(781499)
Item 8	December 09, 2009	(784593)
Item 9	December 14, 2009	(804459)
Item 10	December 23, 2009	(784332)
Item 11	December 29, 2009	(784896)
Item 12	January 15, 2010	(804460)
Item 13	February 08, 2010	(788346)
Item 14	February 09, 2010	(787401)
Item 15	February 15, 2010	(786380)
Item 16	February 17, 2010	(791215)
Item 17	March 10, 2010	(830807)
Item 18	March 23, 2010	(793733)
Item 19	March 30, 2010	(795174)
Item 20	April 12, 2010	(797840)
Item 21	April 13, 2010	(797733)
Item 22	April 16, 2010	(798879)
Item 23	April 26, 2010	(795684)
Item 24	May 06, 2010	(796813)
Item 25	May 28, 2010	(824387)
Item 26	June 02, 2010	(803580)
Item 27	June 10, 2010	(846243)
Item 28	June 17, 2010	(803554)
Item 29	July 13, 2010	(860839)
Item 30	August 13, 2010	(830163)
Item 31	September 14, 2010	(873876)
Item 32	September 16, 2010	(864088)
Item 33	September 20, 2010	(844707)
Item 34	October 18, 2010	(881477)
Item 35	October 28, 2010	(869954)
Item 36	October 29, 2010	(872259)
Item 37	November 03, 2010	(864116)
Item 38	November 18, 2010	(888008)
Item 39	December 17, 2010	(896210)
Item 40	January 20, 2011	(886654)
Item 41	February 12, 2011	(894703)
Item 42	March 11, 2011	(916319)
Item 43	April 08, 2011	(924760)
Item 44	May 24, 2011	(908045)
Item 45	June 10, 2011	(914692)
Item 46	June 17, 2011	(945323)
Item 47	August 10, 2011	(933596)
Item 48	August 29, 2011	(933491)
Item 49	September 12, 2011	(951969)
Item 50	September 22, 2011	(956724)
Item 51	October 11, 2011	(971351)
Item 52	October 12, 2011	(952093)
Item 53	October 14, 2011	(958045)
Item 54	November 11, 2011	(977511)
Item 55	November 29, 2011	(958801)
Item 56	November 30, 2011	(969375)
Item 57	December 09, 2011	(984277)
Item 58	December 16, 2011	(974564)
Item 59	January 13, 2012	(990579)
Item 60	January 19, 2012	(976971)
Item 61	February 07, 2012	(982732)
Item 62	February 17, 2012	(980732)
Item 63	February 24, 2012	(988060)
Item 64	April 16, 2012	(1010027)
Item 65	April 19, 2012	(988208)

Item 66	April 30, 2012	(997171)
Item 67	May 08, 2012	(1002073)
Item 68	May 16, 2012	(1002274)
Item 69	May 18, 2012	(1016422)
Item 70	May 30, 2012	(1002953)
Item 71	June 09, 2012	(1008869)
Item 72	July 27, 2012	(1021025)
Item 73	August 09, 2012	(1015946)
Item 74	August 10, 2012	(1037914)
Item 75	August 16, 2012	(1022467)
Item 76	August 20, 2012	(1027339)
Item 77	August 21, 2012	(1021951)
Item 78	September 12, 2012	(1028012)
Item 79	September 17, 2012	(1046642)
Item 80	September 18, 2012	(1031369)
Item 81	October 15, 2012	(1036834)
Item 82	October 26, 2012	(1027738)
Item 83	November 12, 2012	(1060789)
Item 84	November 15, 2012	(1037017)
Item 85	November 19, 2012	(1042247)
Item 86	December 11, 2012	(1060790)
Item 87	January 08, 2013	(1051134)
Item 88	January 10, 2013	(1078913)
Item 89	February 05, 2013	(1053207)
Item 90	February 11, 2013	(1055972)
Item 91	February 18, 2013	(1078912)
Item 92	March 19, 2013	(1089280)
Item 93	March 28, 2013	(1072936)
Item 94	April 05, 2013	(1076725)
Item 95	April 10, 2013	(1075446)
Item 96	April 15, 2013	(1076485)
Item 97	April 16, 2013	(1095674)
Item 98	April 23, 2013	(1060427)
Item 99	April 26, 2013	(1060325)
Item 100	May 08, 2013	(1106599)
Item 101	May 10, 2013	(1088067)
Item 102	May 16, 2013	(1088781)
Item 103	May 28, 2013	(1086783)
Item 104	June 29, 2013	(1098900)
Item 105	July 10, 2013	(1117158)
Item 106	August 08, 2013	(1124915)
Item 107	September 10, 2013	(1116937)
Item 108	September 11, 2013	(1129515)
Item 109	September 18, 2013	(1116554)
Item 110	September 26, 2013	(1121822)
Item 111	October 15, 2013	(1122519)
Item 112	November 20, 2013	(1132747)
Item 113	December 09, 2013	(1147102)
Item 114	December 12, 2013	(1138271)
Item 115	January 14, 2014	(1153172)
Item 116	February 11, 2014	(1160507)
Item 117	February 21, 2014	(1145836)
Item 118	March 18, 2014	(1167152)
Item 119	April 14, 2014	(1174285)
Item 120	April 29, 2014	(1151580)
Item 121	April 30, 2014	(1151536)
Item 122	May 13, 2014	(1180473)
Item 123	May 21, 2014	(1167064)
Item 124	May 27, 2014	(1170193)
Item 125	June 20, 2014	(1187371)

Description: Failure to comply with emissions limits as listed in the MAERT of Permit 46396.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 29 OP
Special Condition 50(A) PERMIT

Description: Failure to maintain net heating value of the gas being combusted at 300 British thermal units/standard cubic feet (Btu/scf) at the South Flare.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19 PERMIT
Special Condition 29 OP

Description: Failure to comply with PM emissions limits from the FCCU.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 16 PERMIT
Special Condition 29 OP

Description: Failure to maintain scrubber flow rates and liquid to gas ratio in accordance with the requirements of SC 16 of Permit 46396.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 1 PERMIT
Special Condition 29 OP

Description: Failure to maintain VDU heater; EPN: 06VDU2CHTR, at 99 MMBtu/hr per the permit representation of Permit 46396.

3 Date: 08/15/2014 (1180254) CN600582399

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.1130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7545(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit an initial notification for 29 Boilers and Process Heaters operating at the refinery.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a Semiannual Deviation Report and Annual Compliance Certification.

4 Date: 10/07/2014 (1196062) CN600582399

Self Report? NO Classification: Moderate

Citation: ELMR 1 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent daily average flow.

Self Report? NO Classification: Moderate

Citation: ELMR 1 PERMIT

Description: Failure by Total Petrochemicals USA, Inc. to discharge compliant effluent for total organic carbon through Outfall 004.

5 Date: 10/17/2014 (1196041) CN600582399

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
46396/PSD-TX-1072M1, Special Condition 9 PERMIT
5C THSC Chapter 382 382.085(b)

Special Condition 29 OP
Description: Failure to complete the Oxides of Nitrogen (NOx) monitor Relative Accuracy Test Audit (RATA) for the Sulfur Recovery Unit Number 4 Tailgas Thermal Incinerator.

F. Environmental audits:

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

Notice of Intent Date: 05/08/2013 (1093847)
Disclosure Date: 11/01/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.302(l)

Rqmt Prov: PERMIT SC 14

PERMIT SC 2, 3, 4, 5

Description: Failed to install a car seal on 15 valves that could divert a vent stream from a control device in the Refinery's McGill Thermal Oxidizer vent system, and install 11 valves that could divert a vent stream from a control device in the Refinery's Zinc Thermal Oxidizer vents system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.303(g)(2)

Rqmt Prov: PERMIT SC 14

PERMIT SC 2,3,4,5

Description: Failed to monitor 15 valves in the McGill Thermal Oxidizer vent system once per months and 11 valves in the Zinc Thermal Oxidizer vent system once per month. Both vent system's were not checked for the position of the valve and condition of the car seal, and were not identified the times when the car seal had been broken and valve position had been changed.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.305(g)

Rqmt Prov: PERMIT SC 14

PERMIT SC 2,3,4,5

Description: Failed to keep for at least 2 years of up to date, readily accessible records of all times when maintenance is performed on car-sealed valves, when the car seal is broken, when the valve position is changed for 15 valves in the McGill Thermal Oxidizer vent system that are monitored under 61.303(g)(2), and when the valve position is changed for 11 valves in the Zinc Thermal Oxidizer vent system that are monitored under 61.303(g)(2).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(1)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651

Rqmt Prov: PERMIT SC 2,3,4,5

PERMIT SC 24

Description: Failed to use a car seal for each of the 15 valves in the marine terminal's McGill Thermal Oxidizer vapor collection system, and for each of the 15 valves in the marine terminal's Zinc Thermal Oxidizer vapor collection system, that would route displaced vapors to the atmosphere either directly or indirectly.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(1)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651

Rqmt Prov: PERMIT SC 2,3,4,5

PERMIT SC 24

Description: Failed to ensure repairs were made to valves, car seals or closure mechanisms no more than 15 days after a change in the position of the valve or a break in the car seal or closure mechanism on the McGill Thermal Oxidizer vapor collection system and the Zinc Thermal Oxidizer vapor collection system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.564(b)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651

Rqmt Prov: PERMIT SC 2,3,4

PERMIT SC 24

Description: Failed to visually inspect each of the 15 car seals in the marine terminal's McGill Thermal Oxidizer vapor collection system and the 11 car seals in the marine terminal's Zinc Thermal Oxidizer vapor collection system, once during each marine tank vessel loading operation and at least once every month to ensure that the valve is maintained in the closed position and that the vent stream is not diverted through the bypass line, and failure to record all times when the car seals have been broken an

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(g)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.651

Rqmt Prov: PERMIT SC 2, 3,4, 5

PERMIT SC 24

Description: Failed to keep for at least 5 years up to date, readily accessible continuous records of: all times when maintenance is performed on car sealed valves, when the car seal is broken, and when the valve position is changed for the 15 valves in the McGill Thermal Oxidizer vent system that are mintored under 63.564(b),

and for the 11 valves in the Zinc Thermal Oxidizer vent system that are monitored uner 63.564(b).

Notice of Intent Date: 05/15/2013 (1102524)

No DOV Associated

Notice of Intent Date: 06/28/2013 (1102501)

Disclosure Date: 02/18/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor one 199 valves in gas/vapor and light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)

Description: Failure to submit initial semiannual reports for 199 valves in gas/vaport and light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure monthly monitor five pumps in light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)

Description: Failure to submit an initial semiannual report for five pumps in light liquid service in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system in the Diesel Hydrotreater 1 Unit (Unit 805).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (in the Diesel Hydrotreater 1 Unit (Unit805).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to quarterly monitor one valve in light liquid service in the Gasoline Re-run Unit (Unit 810).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)

Description: Failed to conduct an inital inspection of the closed vent system in the Gasoline Re-run Unit (Unit 810).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, and olfactory indications of leaks (Gasoline Re-run Unit 810).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 93 valves in gas/vapor and light liquid service in the Atmospheric Crude Unit #2 (Unit 812).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system in Unit 812-Atmospheric Crude Unit#2.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of closed vent system for visible, audible, or olfactory indications of leaks (Unit 812 - Atmospheric Crude Unit #2).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 66 valves in gas/vapor and light liquid service (Unit 813 - Diesel Hydrotreater Unit #2).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 813 - Diesel Hydrotreater Unit #2).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of closed vent system for visible, audible, and olfactory indications of leaks (Unit 813 - Diesel Hydrotreater Unit #2).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor 94 valves in gas/vapor and light liquid service (Unit 820 - Unibon Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 820 - Unibon Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual inspections of the closed vent system for visible, audible, or olfactory indications of leaks (Unit 820 - Unibon Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Condition No. 55.F.

Description: Failure to monthly monitor 134 valves in gas/vapor and light liquid service (Unit 821 - Demex Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.F.

Description: Failure to monthly monitor one valve in light liquid service (Unit 821 - Demex Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 821 - Demex Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual visual inspections of the closed vent system for visible, audible, or olfactory indications of the leaks (Unit 821 - Demex Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure to monthly monitor 80 valves in gas/vapor and light liquid service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Rqmt Prov: PERMIT Special Conditions No. 55.G.

Description: Failure to monthly monitor two pumps in light liquid service (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)

Rqmt Prov: PERMIT Special Condition No. 55.F.

Description: Failure to monitor one pressure relief valve in gaseous service (Unit 826 - Diesle Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT.VV 60.482-10(f)(1)(i)

Description: Failure to conduct initial inspection of the closed vent system (Unit 826 - Diesel Hydrotreater #2 Florida Unit).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(f)(1)(ii)

Description: Failure to conduct annual inspections of the closed vent system for visual, audible, and olfactory indications of leaks (Unit 826 - Diesel Hydrotreat #2 Florida Unit).

Notice of Intent Date: 10/07/2013 (1123845)

No DOV Associated

Notice of Intent Date: 08/28/2014 (1196209)

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: TOTAL PETRO CHEMICALS USA PORT A

Reg Entity Add: HIGHWAY 366 AND 32ND STREET

Reg Entity City: PORT ARTHUR

Reg Entity No: RN102457520

Customer Name: Total Petrochemicals USA, Inc.

Customer No: CN600582399

EPA Case No: 06-2005-3408

Order Issue Date (yyyymmdd): 20131108

Case Result:

Statute: CAA

Sect of Statute: 110

Classification: Moderate

Program: National Emission Stand **Citation:**

Violation Type: New Source Performance
Standard

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1550-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 refinery at 7600 32nd Street near Port Arthur, in 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 notice of the violations alleged in Section II ("Allegations") on or about October 20, 2014.
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 Fifteen Thousand Dollars (\$15,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Dollars (\$6,000) of the

administrative penalty and Three Thousand Dollars (\$3,000) 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. Six Thousand Dollars (\$6,000) 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 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to provide a sufficient volume to ensure that sour water residence time in Volatile Organic Compounds ("VOC") Storage Tank No. 1000 ("Tank 1000") and VOC Storage Tank No. 1002 ("Tank 1002") is three days, 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 ("NSR") Permit Nos. 46396, PSDTX1073M1, and No44, Special Conditions ("SC") No. 33, and Federal Operating Permit No. O1267, Special Terms and Conditions No. 29, as documented during a record review conducted from October 8, 2014 through October 14, 2014. Specifically, on or about August 7, 2014, the Respondent removed VOC Storage Tank No. 1001 ("Tank 1001") from service and began operating Tanks 1000 and 1002 without sufficient volume, resulting in a sour water residence time of less than three days.

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. 2014-1550-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, Six Thousand Dollars (\$6,000) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. By October 30, 2015, submit written certification demonstrating that Tanks 1000, 1001, and 1002 are being operated in accordance with NSR Permit Nos. 46396, PSDTX1073M1, and NO44, SC No. 33. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Meneic
For the Executive Director

4/7/15
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.

ANAM
Signature

01/15/15
Date

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

REFINERY MANAGER
Title

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

Attachment A

Docket Number: 2014-1550-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Total Petrochemicals & Refining USA, Inc.
Penalty Amount:	Twelve Thousand Dollars (\$12,000)
SEP Offset Amount:	Six Thousand Dollars (\$6,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>West Port Arthur Home Energy Efficiency Program - Lighthouse Program</i>
Location of SEP:	Jefferson County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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