Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Harris County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 25, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$148,163

Amount Deferred for Expedited Settlement: \$7,882

Total Paid to General Revenue: \$70,141 Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$70,140

Name of SEP: Houston-Galveston Area Council-AERCO (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 and January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: December 3, 2020 through June 16, 2021, May 10, 2021, May 11, 2021 through May 17, 2021, June 30, 2021 through September 9, 2021, August 27,

2021 through December 6, 2021, and October 5, 2021

Date(s) of NOE(s): May 20, 2021, May 24, 2021, June 11, 2021, June 29, 2021, September 16, 2021, October 29, 2021, and January 21, 2022

Violation Information

- 1. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 8.36 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from October 2019 through October 2020 and exceeded the propylene MAER of 8.23 tpy based on a 12-month rolling period for the 12-month periods ending from July 2020 through September 2020 for the North Flare, Emissions Point Number ("EPN") ES-205, resulting in 0.99 ton of unauthorized VOC emissions and 0.46 ton of unauthorized propylene emissions [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 3908B, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01293, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b)].
- 2. Failed to report all instances of deviations. Specifically, the deviation report for the February 9, 2020 through August 8, 2020 reporting period did not include the deviation for failing to perform a calibration on the temperature monitoring device for the Waste Heat Boiler [30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1293, GTC, and Tex. Health & Safety Code § 382.085(b)].
- 3. Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, from March 9, 2020 to July 27, 2020, the Respondent did not equip nine open-ended lines in VOC service and highly reactive VOC service with a cap, blind flange, plug, or second valve [30 Tex. Admin. Code §§ 101.20(1) and (2), 113.130, 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 3908B, SC No. 5.E, NSR Permit No. 18153, SC No. 14.E, and NSR Permit No. 21538, SC No. 18.E, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)].
- 4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 596.34 lbs of VOC, 410.98 lbs of carbon monoxide ("CO"), and 54.40 lbs of nitrogen oxides ("NOx") from the South Flare, EPN ES-805, during an emissions event (Incident No. 338411) that occurred on July 7, 2020 and lasted two hours and 25 minutes. The emissions event occurred when there was a switch between the propylene transfer pumps the night before and the system that automatically adjusts the feed to the units was not yet on-line, resulting in an increase in pressure of the propylene feed system and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR

Permit No. 21538, SC No. 1, FOP No. O1293, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

- 5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 342.61 lbs of VOC, 234.39 lbs of CO, and 18.28 lbs of NOx from the South Flare, EPN ES-805, during an emissions event (Incident No. 339871) that occurred on July 30, 2020 and lasted two hours and 35 minutes. The emissions event occurred when overheating of a gas phase compressor motor that caused an electrical fault, resulting in the Train 9 Gas Phase Compressor to shut down and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. Code § 101.222 [30 Tex. ADMIN. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 21538, SC No. 1, FOP No. O1293, GTC and STC No. 14, and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 6. Failed to prevent unauthorized emissions and failed to operate the flare with no visible emissions. Specifically, the Respondent experienced 100 percent opacity and released 419.68 lbs of VOC, 323.93 lbs of CO, and 43.54 lbs of NOx from the North Flare, EPN ES-205, during an emissions event (Incident No. 338792) that occurred on July 10, 2020 and lasted one hour. The emissions event occurred when an electrical fault occurred at a nearby site that caused an interruption of power, resulting in the Train 6 circulation pump to trip and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. Code § 101.222 [30 Tex. ADMIN. Code §§ 101.20(1), 111.111(a)(1)(B), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(1), NSR Permit No. 3908B, SC Nos. 1 and 10.C, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)].
- 7. Failed to prevent unauthorized emissions and failed to operate the flare with no visible emissions. Specifically, the Respondent experience 100 percent opacity and released 63.56 lbs of VOC and 29.98 lbs of CO from the North Flare, EPN ES-205, and experienced 100 percent opacity and released 97.38 lbs of VOC, 2,713.50 lbs of CO, and 326.79 lbs of NOx from the South Flare, EPN ES-805, during an emissions event (Incident No. 358551) that began on May 18, 2021 and lasted 33 hours and 20 minutes. The emissions event occurred when a cable tray cover was blown by the wind during a major storm that impacted the main substation on the A Phase conductor on the primary side of the A Phase transformer and caused an arc flash, resulting in a four-hour shutdown of the Plant's electrical power and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. Code § 101.222 [30 Tex. ADMIN. Code §§ 101.20(1), 111.111(a)(1)(B), 116.115(c), and 122.143(4), 40 CFR

§ 60.18(c)(1), NSR Permit No. 21538, SC Nos. 1 and 12.C, and NSR Permit No. 3908B, SC Nos. 1 and 10.C, FOP No. 01293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)].

8. Failed to prevent unauthorized emissions and failed to operate the flare with a flame present at all times. Specifically, the Respondent released 749.33 lbs of VOC from the North Flare, EPN ES-205, during an emissions event (Incident No. 364877) that began on August 16, 2021 and lasted eight hours and 50 minutes. The emissions event occurred when moisture had entered the pipes that carry the flame to the flare tip for the flame front generator and caused rust to form, preventing the flame from reaching the flare tip and resulting in the flame to go out and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(2), NSR Permit No. 3908B, SC Nos. 1 and 10.B, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 574.11 lbs of VOC, 401.28 lbs of CO, and 44.01 lbs of NOx from the North Flare, EPN ES-205, and released 439.21 lbs of VOC, 268.23 lbs of CO, and 25.07 lbs of NOx from the South Flare, EPN ES-805, during an emissions event (Incident No. 322816) that occurred on October 14, 2019 and lasted eight hours and 40 minutes. The emissions event occurred when an emergency shutoff programmed into the control system was removed during a computer upgrade of the Train 5 and 6 Control System that caused an emergency shut down of all boilers, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Addin. Code § 101.222 [30 Tex. Addin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 21538, SC No. 1, NSR Permit No. 3908B, SC No. 1, FOP No. 01293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)].

10. Failed to prevent unauthorized emissions. Specifically, the Respondent released 651.04 lbs of VOC, 675.73 lbs of CO, and 85.56 lbs of NOx from the North Flare, EPN ES-205, during an emissions event (Incident No. 324532) that occurred on November 8, 2019 and lasted five hours and 50 minutes. The emissions event occurred when the seals on the P-18A Atactic Pump and the backup P-18B Atactic Pump failed, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR

Permit No. 3908B, SC No. 1, FOP No. O1293, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to prevent unauthorized emissions. Specifically, the Respondent released 548.77 lbs of VOC, 334.63 lbs of CO, and 39.04 lbs of NOx from the North Flare, EPN ES-205, during an emissions event (Incident No. 324725) that occurred on November 12, 2019 and lasted 13 hours and 10 minutes. The emissions event occurred due to long term wear on the attachment bolt that caused the attachment bolt to pull loose from its mounting during high winds, resulting in the shut down of the Train 6 Reactor Circulation Pump and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3908B, SC No. 1, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By July 17, 2020, added a three second bus-under-voltage delay to the Train 6 circulation pump in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338792 and to ensure that the North Flare is operated with no visible emissions;
- b. By July 27, 2020, capped or plugged the nine open-ended lines in VOC service and highly reactive VOC service;
- c. By September 22, 2020, updated the procedures for switching the propylene transfer pumps to indicate that the pump recycle controls should be placed into automatic upon pump activation and conducted training of the updated procedure for all personnel involved in switching the pumps in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338411;
- d. By November 30, 2020, removed hardened silt from the water clarifier, repaired the baffles, and demonstrated compliance with the VOC and propylene annual MAERs for the North Flare, EPN ES-205;
- e. On July 16, 2021, submitted a revised deviation report for the February 9, 2020 through August 8, 2020 reporting period to report the deviation for failing to perform a calibration on the temperature monitoring device for the Waste Heat Boiler;

- f. By September 9, 2021, relocated or disposed loose materials from the substation, storage, and laydown yards; informed personnel through the use of the Return of Experience Program of the dangers presented by unsecured material that could become airborne in high wind events; and added electrical system improvements to the capital improvement plan in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 358551 and to ensure that the North Flare and South Flare are operated with no visible emissions;
- g. By September 23, 2021, removed the emergency cutoff points from the control system and reviewed all of the additional control points for potential interactions with the utilities system in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 322816;
- h. By September 23, 2021, retightened the cable connections and implemented a preventative maintenance plan to inspect all substation cable connections every four years in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 324725; and
- i. By October 31, 2021, implemented a preventative maintenance program to blow down the flame front generator tubes on a routine basis and reduced the pressure of the flare pilots from 60 pounds per square inch ("psi") to 30 psi in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364877 and to ensure that the North Flare is operated with a flame present at all times.

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:
- a. Within 30 days:
- i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 339871; and
- ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 324532.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, 3555

Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Keith Kelly, Plant Manager, TotalEnergies Petrochemicals & Refining USA,

Inc., P.O. Box 888, Deer Park, Texas 77536

Respondent's Attorney: N/A



STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicated percentage.

DEFERRAL

Final Assessed Penalty

Reduction

Adjustment

20.0%

\$39,413

-\$7,882

\$31,531

COMMISSIO		De	nalty Calcu	lation		acet (DC	``\^/`\	
	Policy Rev	PE rision 4 (April 2014)	enalty Calcu	iatioi	i worksi	ieet (PC	•	Revision March 26, 2014
DATES	Assigned	6-Jul-2021						
		23-Sep-2022	Screening 16-Ju	l-2021	EPA Due	26-Dec-2021		
RESPO		TY INFORMATI						
_	Respondent	TotalEnergies Pe	trochemicals & Refin	ing USA,	, Inc.			
	g. Ent. Ref. No. ty/Site Region	RN100212109 (F	PCW No. 1)		Major/M	linor Source	Major	
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En	f./Case ID No.	61088 2021-0972-AIR-			No. o	of Violations Order Type		
Med	lia Program(s)		<u> </u>		Government	t/Non-Profit		
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Δdr	min Penalty \$ I	_imit Minimum	\$0 Maxim	um [\$25,000	EC's Team	Enforcement T	eam 5
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ΔD1119	STMENTS (+	/-) TO SUBTO	ΤΔΙ 1					
	Subtotals 2-7 are ob	tained by multiplying	the Total Base Penalty (S	Subtotal 1)	by the indicated pe			
	Compliance His	story	1	00.0%	Adjustment	Subto	tals 2, 3, & 7	\$22,500
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	Notes	containing a	denial of liability. Rec			of intent to		
			conduct	an audit.	1			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
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	Notes	The Re	spondent does not n	neet tne	culpability crite	eria.		
	Good Faith Effo	ort to Comply T	otal Adjustments				Subtotal 5	-\$5,587
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	Estimated	Total EB Amounts Cost of Compliance	\$1,662 \$35,258	*Capped	l at the Total EB \$ A	Amount		
SUM C	OF SUBTOTAL	LS 1-7				F	inal Subtotal	\$39,413
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		Subtotal by the indic			010 70		Aujustinent	Ψ0
	Notes							
						Final Pen	l nalty Amount	\$39,413
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Deferral offered for expedited settlement.

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Case ID No. 61088

Reg. Ent. Reference No. RN100212109 (PCW No. 1)

Respondent TotalEnergies Petrochemicals & Refining USA, Inc.

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Number	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>)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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

Adjustment Percentage (Subtotal 2) 120%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History **Notes**

Enhancement for one NOV with dissimilar violations and six orders containing a denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 120%

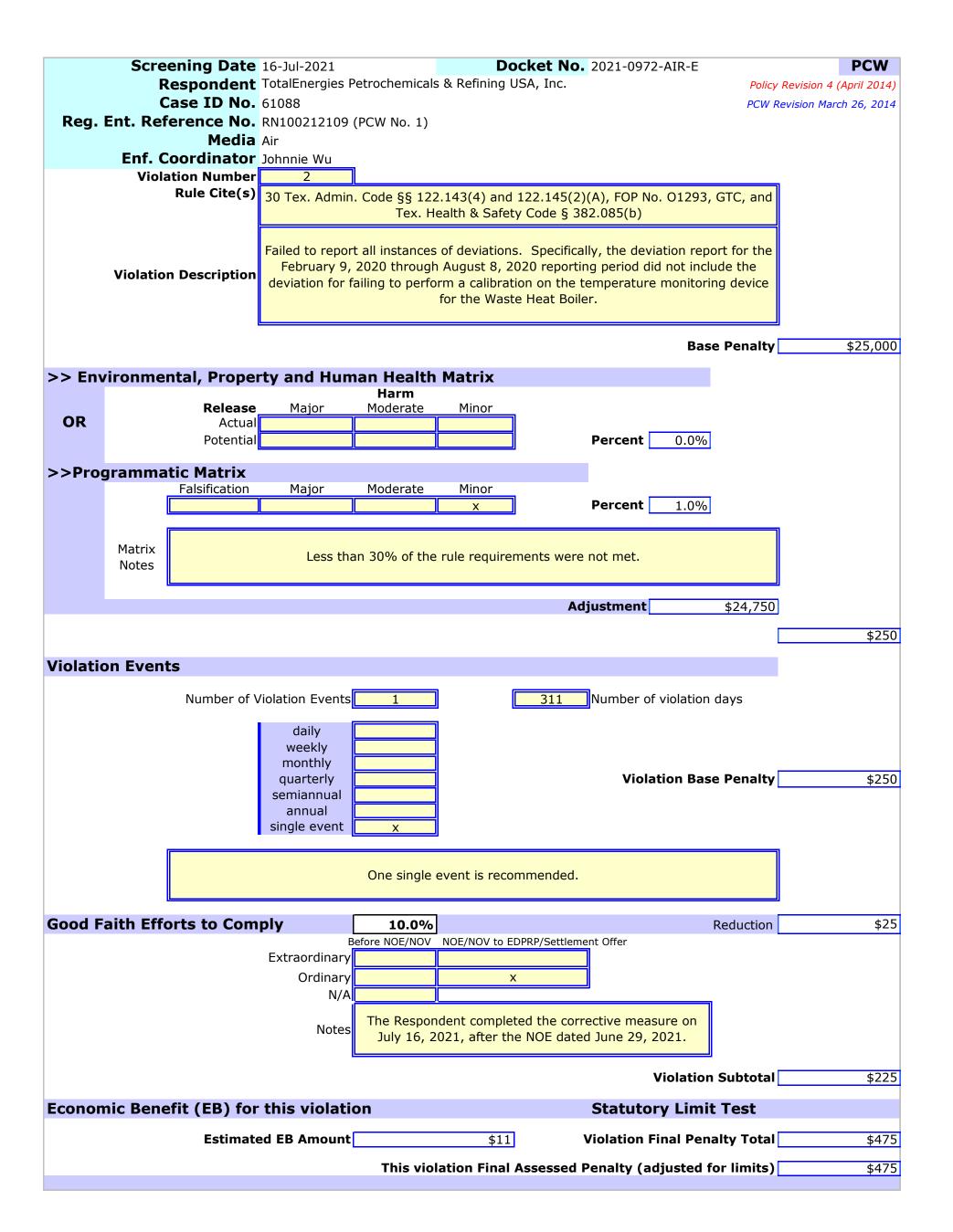
>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

100%

		_	16-Jul-2021	Docket No. 2021-0972-AIR-E	PCW
	R	Respondent	TotalEnergies I	Petrochemicals & Refining USA, Inc.	Policy Revision 4 (April 2014)
	C	ase ID No.	61088		PCW Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN100212109	(PCW No. 1)	
		Media	Air		
	Enf. C	coordinator	Johnnie Wu		
	Viola	ation Number	1		
		Rule Cite(s)	30 Tex. Adm	in. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Sou	urce
		Rule Cite(s)	Review ("N	ISR") Permit No. 3908B, Special Conditions ("SC") No. 1, Feder	<mark>al </mark>
				mit ("FOP") No. 01293, General Terms and Conditions ("GTC")	
			Special Term	ns and Conditions ("STC") No. 14, and Tex. Health & Safety Cod	<mark>le § </mark>
				382.085(b)	
				comply with the maximum allowable emissions rates ("MAERs")	
				the Respondent exceeded the volatile organic compounds ("VO	-
				tons per year ("tpy") based on a 12-month rolling period for the	
	Violatio	n Description		ending from October 2019 through October 2020 and exceede ER of 8.23 tpy based on a 12-month rolling period for the 12-m	
				ding from July 2020 through September 2020 for the North Flar	
			·	oint Number ("EPN") ES-205, resulting in 0.99 ton of unauthoriz	
				emissions and 0.46 ton of unauthorized propylene emissions.	
				Base Per	nalty \$25,000
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	Matrix			e protective of human health or environmental receptors as a $r\epsilon$	
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				Adjustment \$2	1 / 7 (1)
					\$3,750
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Violatio	on Event		daily weekly		\$3,750
Violatio	on Event		daily weekly monthly	5 396 Number of violation days	\$3,750
Violatio	on Event		daily weekly	5 396 Number of violation days	\$3,750
Violatio	on Event		daily weekly monthly quarterly	5 396 Number of violation days	\$3,750
Violatio	on Event		daily weekly monthly quarterly semiannual	5 396 Number of violation days	\$3,750
Violatio	on Event		daily weekly monthly quarterly semiannual annual	5 396 Number of violation days	\$3,750
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	5 396 Number of violation days	\$3,750 nalty \$18,750
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	5 396 Number of violation days X Violation Base Per	\$3,750 nalty \$18,750
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	5 396 Number of violation days Violation Base Per x Commended for the period of non-compliance from October 1, 2	\$3,750 nalty \$18,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	Sommended for the period of non-compliance from October 1, 2 through October 31, 2020.	\$3,750 nalty \$18,750
		Number of \	daily weekly monthly quarterly semiannual annual single event	Sommended for the period of non-compliance from October 1, 2 through October 31, 2020.	\$3,750 nalty \$18,750
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		Number of \	daily weekly monthly quarterly semiannual annual single event	Sommended for the period of non-compliance from October 1, 2 through October 31, 2020. Reduce the period of non-compliance from October 1, 2 through October 31, 2020. Reduce the period of non-compliance from October 1, 2 through October 31, 2020.	\$3,750 nalty \$18,750
		Number of \	daily weekly monthly quarterly semiannual annual single event y events are received Extraordinary	Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer 396	\$3,750 nalty \$18,750
		Number of \	daily weekly monthly quarterly semiannual annual single event y events are received Extraordinary Ordinary	Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer 396	\$3,750 nalty \$18,750
		Number of \	daily weekly monthly quarterly semiannual annual single event y events are received Extraordinary Ordinary N/A	Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent completed the corrective measures by November 30, 2020, prior to the Notice of Enforcement	\$3,750 nalty \$18,750
		Number of \	daily weekly monthly quarterly semiannual annual single event y events are received Extraordinary Ordinary N/A	Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer The Respondent completed the corrective measures by	\$3,750 nalty \$18,750
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		Number of \	daily weekly monthly quarterly semiannual annual single event y events are received Extraordinary Ordinary N/A	Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent completed the corrective measures by November 30, 2020, prior to the Notice of Enforcement	\$3,750 nalty \$18,750 2019 action \$4,687
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Good F	aith Effo	Five quarterle	daily weekly monthly quarterly semiannual annual single event y events are received Extraordinary Ordinary N/A Notes	Violation Base Per Violation Base Per Statutory Limit Tes	\$3,750 nalty \$18,750 2019 action \$4,687
Good F	aith Effo	Five quarterle	daily weekly monthly quarterly semiannual annual single event y events are reconstruction Extraordinary Ordinary N/A Notes	Violation Base Per Violation Base Per Statutory Limit Tes	\$3,750 nalty \$18,750 2019 action \$4,687 st Total \$32,813

Economic Benefit Workshee							
Respondent	TotalEnergies	Petrochemicals &	Refining USA, 1	inc.			
Case ID No.	61088						
Reg. Ent. Reference No. RN100212109 (PCW No. 1)							
Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	200	zato noquii ou					
rem bescription							
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	+25.000	1.0.1.2010	20 N 2020	0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	1-Oct-2019	30-Nov-2020	1.17	\$1,459	n/a	\$1,459
Notes for DELAYED costs	complianc	e with the VOC ar	nd propylene ar	nnual M	AERs for the North	ir the baffles, and on Flare, EPN ES-205 is the date of comp	. The Date
	•		<u> </u>			<u> </u>	
Avoided Costs	ANNUA	LIZE avoided co	osts before er	tering		r one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed) Notes for AVOIDED costs		JI <u> </u>		<u> 0.00</u>	<u>1 \$0 </u>	<u> </u>	\$0
Approx. Cost of Compliance		\$25,000			TOTAL		\$1,459



	E	conomic	Benefit	Wo	rksheet			
Respondent	TotalEnergies Petrochemicals & Refining USA, Inc.							
Case ID No.								
Reg. Ent. Reference No.		(PCW No. 1)						
Media Violation No.						Percent Interest	Years of Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description								
Delayed Costs				-				
Equipment				0.00	\$0	\$0	\$0	
Buildings				0.00	\$0 #0	\$0 \$0	\$0	
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$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)	\$250	7-Sep-2020	16-Jul-2021	0.85	\$11	n/a	\$11	
Notes for DELAYED costs	reporting per	riod to report the o	deviation for fai er. The Date Re	ling to pequired	perform a calibration	9, 2020 through Aug on on the temperativiation should have nce.	ure monitoring	
Avoided Costs	ANNUA	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d 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		1		0.00	\$0	\$0	\$0	
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Other (as needed)		<u> </u>		0.00	1 \$0	<u> </u>	\$ U	
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$250			TOTAL		\$11	

		_	16-Jul-2021			ket No. 2021-0972	. AIK L	PCW
		Respondent		Petrochemicals	s & Refining US	SA, Inc.	Polic	y Revision 4 (April 2014)
	(Case ID No.	61088				PCW	Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN100212109	(PCW No. 1)				
		Media	Air					
	Enf. C	Coordinator	Johnnie Wu					
	Viola	ation Number	3	7				
		Rule Cite(s)		min. Code §§ 1	01.20(1) and	(2), 113.130, 115.352	2(4), 115,783(5),	1
	Violatio	n Description	116.115(c 60.482-6(a)(No. 3908B, S 21538, SC Failed to equ second valve), 116.715(a), (1), 60.482-6a SC No. 5.E, NS No. 18.E, FOP uip each open-	and 122.143((a)(1), 61.242 R Permit No. 1 No. O1293, G Safety Code § ended valve of from March 9,	4), 40 Code of Federa -6(a)(1), and 63.167(8153, SC No. 14.E, ar IC and STC No. 14, ar 382.085(b) Tline with a cap, blind 2020 to July 27, 2020	I Regulations §§ (a)(1), NSR Permit nd NSR Permit No. nd Tex. Health & flange, plug, or a 0, the Respondent	_
	Violatio	ii bescription	did not equip			service and highly replay or second valve]
>> Env	vironme	ntal, Propei	rty and Hur		Matrix			
		Dala:	NA - 2 - ··	Harm Moderate	N4: ·-			
OR		Release Actual	Major	Moderate	Minor			
OK		Potential			Х	Percent	7.0%	
		roteritiai				i ci cciic	7.0 70	
>>Pro	aramma	tic Matrix						
, , , , ,		Falsification	Major	Moderate	Minor			
						Percent	0.0%	
	Matrix Notes			that are prote	•	ed to insignificant amon thealth or environme on.	•	
						Adjustment	\$23,250	
						Adjustment	\$23,250	
						Adjustment	\$23,250	\$1,750
Violatio	on Even	ts				Adjustment	\$23,250	
Violatio	on Even	ts				Adjustment	\$23,250	
Violatio	on Even		/iolation Events	S 2			\$23,250 violation days	
Violatio	on Even		/iolation Events	5 2				
Violatio	on Even		daily	5 2				
Violatio	on Even		daily weekly	5 2				
Violatio	on Even		daily weekly monthly	5 2		6 Number of	violation days	\$1,750
Violatio	on Even		daily weekly monthly quarterly	5 2		6 Number of		\$1,750
Violation	on Even		daily weekly monthly quarterly semiannual	S 2		6 Number of	violation days	\$1,750
Violatio	on Even		daily weekly monthly quarterly	5 2		6 Number of	violation days	\$1,750
Violatio	on Even		daily weekly monthly quarterly semiannual annual			6 Number of	violation days	\$1,750
Violatio	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	x mmended (one	e single event	6 Number of	violation days tion Base Penalty	\$1,750
		Number of V	daily weekly monthly quarterly semiannual annual single event	x mmended (one	uly 27, 2020).	6 Number of Viola	violation days tion Base Penalty March 9, 2020 to	\$1,750 \$3,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	x x 25.0%	uly 27, 2020).	6 Number of Viola For each quarter from	violation days tion Base Penalty	\$1,750 \$3,500
		Number of V	daily weekly monthly quarterly semiannual annual single event	x mmended (one Ju 25.0% Before NOE/NOV	uly 27, 2020).	6 Number of Viola	violation days tion Base Penalty March 9, 2020 to	\$1,750
		Number of V	daily weekly monthly quarterly semiannual annual single event	x mmended (one Ju 25.0% Before NOE/NOV	uly 27, 2020).	6 Number of Viola For each quarter from	violation days tion Base Penalty March 9, 2020 to	\$1,750
		Number of V	daily weekly monthly quarterly semiannual annual single event events are reco	x mmended (one Ju 25.0% Before NOE/NOV	uly 27, 2020).	6 Number of Viola For each quarter from	violation days tion Base Penalty March 9, 2020 to	\$1,750
		Number of V	daily weekly monthly quarterly semiannual annual single event	x mmended (one Ju 25.0% Before NOE/NOV X The Respondence	NOE/NOV to EDI	6 Number of Viola For each quarter from	violation days tion Base Penalty March 9, 2020 to Reduction	\$1,750 \$3,500
		Number of V	daily weekly monthly quarterly semiannual annual single event events are reco Ply Extraordinary Ordinary	x mmended (one Ju 25.0% Before NOE/NOV X The Respondence	NOE/NOV to EDI	Number of Viola PRP/Settlement Offer compliance by July 27 ated June 29, 2021.	violation days tion Base Penalty March 9, 2020 to Reduction	\$1,750 \$3,500 \$875
Good F	aith Eff	Number of V	daily weekly monthly quarterly semiannual annual single event events are reco Ply Extraordinary Ordinary N/A	x mmended (one Ju 25.0% Before NOE/NOV /	NOE/NOV to EDI	Number of Viola For each quarter from PRP/Settlement Offer compliance by July 27 lated June 29, 2021.	violation days tion Base Penalty March 9, 2020 to Reduction	\$1,750 \$3,500 \$875
Good F	aith Eff	Two single e	daily weekly monthly quarterly semiannual annual single event events are reco Ply Extraordinary Ordinary N/A Notes	x mmended (one Ju 25.0% Before NOE/NOV x The Respondence price	NOE/NOV to EDI	Number of Viola For each quarter from PRP/Settlement Offer compliance by July 27 lated June 29, 2021.	violation days tion Base Penalty March 9, 2020 to Reduction 7, 2020, Violation Subtotal ry Limit Test	\$1,750 \$3,500 \$875
Good F	aith Eff	Two single e	daily weekly monthly quarterly semiannual annual single event events are reco Ply Extraordinary Ordinary N/A	x mmended (one Ju 25.0% Before NOE/NOV x The Respondence price	NOE/NOV to EDI	Number of Viola For each quarter from PRP/Settlement Offer compliance by July 27 lated June 29, 2021.	violation days tion Base Penalty March 9, 2020 to Reduction 7, 2020,	\$1,750 \$3,500 \$875
Good F	aith Eff	Two single e	daily weekly monthly quarterly semiannual annual single event events are reco Ply Extraordinary Ordinary N/A Notes	x mmended (one Ju 25.0% Before NOE/NOV / X The Respondence price ion	NOE/NOV to EDI NOE/NOV to EDI dent achieved or to the NOE of	Number of Viola For each quarter from PRP/Settlement Offer compliance by July 27 lated June 29, 2021.	violation days tion Base Penalty March 9, 2020 to Reduction Violation Subtotal ry Limit Test inal Penalty Total	\$1,750 \$3,500 \$875 \$2,625 \$6,125

Economic Benefit Worksheet							
Respondent	TotalEnergies	Petrochemicals &	Refining USA, 1	inc.			
Case ID No.			-				
Reg. Ent. Reference No.		(PCW No. 1)					
Media Violation No.	Air	,				Percent Interest	Years of Depreciation
Violation No.	5					5.0	15
	Thoma Cook	Data Damiliand	Final Data	V	Turbourset Coursel		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				7			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction Land				0.00	\$0 \$ 0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	9-Mar-2020	27-Jul-2020	0.38	\$192	n/a	\$192
Notes for DELAYED costs	Red	uired is the first d	late of non-com	pliance	. The Final Date is	and highly reactive to the date of compli	ance.
Avoided Costs	ANNU	ALIZE avoided co	osts before er	tering	•	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Notes for AVOIDED costs		JI		<u> 0.00</u>	Ψ0	ΨΟ	\$0
Approx. Cost of Compliance		\$10,000			TOTAL		\$192



PAYABLE PENALTY

Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

\$108,750

ONMENTAL OF		, , ,	•		
DATES	Assigned	25-May-2021			
	PCW	23-Sep-2022	Screening 27-May-2021	EPA Due 26-Dec-2021	

	PCW	23-3ep-2022	Screening Z/	7-11/ay-2021	LFA Due	0-Dec-2021		
RESPO	NDENT/FACTIT	TY INFORMATIO	N					
KESI O		TotalEnergies Pet		Refining USA	. Inc.			
	g. Ent. Ref. No.	RN100212109 (P		remming 007				
Facili	ty/Site Region	12-Houston			Major/M	inor Source	Major	
CACET	NEODMATION							
	NFORMATION f./Case ID No.	61088			No. o	f Violations	·Ω	
EII		2021-0972-AIR-E	<u> </u>		140. 0	Order Type		
Med	dia Program(s)				Government			
	Multi-Mediá					Coordinato	Johnnie Wu	
						EC's Team	Enforcement Tea	m 5
Adı	min. Penalty \$ I	Limit Minimum	\$0 M	aximum	\$25,000			
			D II	C-11-	Liana Carakia			
			Penaity	Caicuia	tion Section	n		
TOTA	L BASE PENA	LTY (Sum of	violation ba	ase penali	ties)		Subtotal 1	\$60,000
A D 1114	CTMENTS ()	/	TAL 4					
ADJU	SUNTENIS (+)	/-) TO SUBTO stained by multiplying	TAL I	alty (Subtotal 1) by the indicated pe	rcontago		
	Compliance His		the rotal base ren	100.0%			otals 2, 3, & 7	\$60,000
			S NOV					400,000
	.				violations and			
	Notes	containing a d			for two notices o	r intent to		
			conc	duct an audit				
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Culpability	INO		0.0%	Enhancement			, 50
	Notes	The Res	pondent does r	not meet the	culpability crite	ria.		
			·					
	0 15 31 56							+44.050
	Good Faith Effe	ort to Comply To	itai Adjustmei	nts			Subtotal 5	-\$11,250
	Economic Bene	efit _		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$5,325 \$73,000	*Cappe	d at the Total EB \$ A	mount		
	LStilllateu	cost of compliance	\$73,000					
SUM (OF SUBTOTAL	S 1-7					Final Subtotal	\$108,750
55	5. 555161A							Ψ=00/200
OTHE	R FACTORS A	AS JUSTICE M	AY REOUIR	E	0.0%		Adjustment	\$0
		Subtotal by the indica					_	· ·
	Notes							
							<u> </u>	+100 ==0
						Final Pe	nalty Amount	\$108,750
STATI	ITODV I TMTI	ADJUSTMEN	т			Einal Acc	assad Banalty	\$108,750
SIAIC	DIOK! LIMI	ADJUSTMEN				Final ASS	essed Penalty	\$100,750
DEFER	2RAI				0.0%	Reduction	Adjustment	\$0
		nalty by the indicated	percentage.		0.0 70	Reduction	Aujustilielit	40
				the Resnon	dent has two or	more prior		
	Notes			•	it in Tex. Water	•		
	110000	aariiiiisti de), (b)(4), and				
			, , ()		. , . ,			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Screening Date 27-May-2021

Docket No. 2021-0972-AIR-E

Respondent TotalEnergies Petrochemicals & Refining USA, Inc.

Case ID No. 61088

Reg. Ent. Reference No. RN100212109 (PCW No. 2)

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Number	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>)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

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

Adjustment Percentage (Subtotal 2) 120%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and six orders containing a denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 120%

Final Adjustment Percentage *capped at 100%

100%

>> Final Compliance History Adjustment

		Date 27-May-2021			2021-0972-AIR-E	PCV	N
	Respon	dent TotalEnergies	Petrochemicals & Refini	ng USA, Inc.		Policy Revision 5 (January 28,	, 2021)
	Case ID	No. 61088				PCW Revision February 11	l, 2021
Reg.	Ent. Reference	No. RN100212109	(PCW No. 2)				
		edia Air					
		ator Johnnie Wu	= 1				
	Violation Nu	mber 1					
	Rule Ci	te(s) 30 Tex. Adm	in. Code §§ 116.115(c)	and 122.143(4	I), New Source Review ('	'NSR")	
		Permit No	. 21538, Special Conditi	ions ("SC") No.	1, Federal Operating Pe	mit	
					("GTC") and Special Terr		
		Conditio	ons ("STC") No. 14, and	Tex. Health &	Safety Code § 382.085(t	o)	
		Failed to pre	event unauthorized emis	ssions. Specific	cally, the Respondent rel	eased	
					s ("VOC"), 410.98 lbs of		
		monoxide ("	CO"), and 54.40 lbs of r	nitrogen oxides	("NOx") from the South	Flare,	
			•		emissions event (Incide		
			•		wo hours and 25 minute		
	Violation Descri				between the propylene t natically adjusts the feed		
	Violation Descri		-		pressure of the propyle		
					was not caused by a such		
		*			yond the control of the o		
					esign and/or better opera		
			•		precluded from asserting	an	
		a	ffirmative defense unde	er 30 Tex. Admi	n. Code § 101.222.		
					Page I) analty day	E 000
					Dase i	Penalty \$25	5,000
>> Env	vironmental, Pr	operty and Hum	nan Health Matrix				
	_		Harm				
OR		lease Major	Moderate Mino	r			
UK		Actual	X		Dorsont 20.00/		
	POL	ential			Percent 30.0%		
>>Proc	grammatic Mat	rix					
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Falsifica		Moderate Mino	r			
					Percent 0.0%		
		·					
	IVISTRIV		•	ealth or enviro	nt amounts of pollutants nmental receptors as a r		
				Ac	ljustment	17,500	
				710	.justinent		
						\$7	7,500
Violatio	on Events						
	Numb	er of Violation Event	s <u>1</u>	1	Number of violation da	/S	
					_		
		daily					
		weekly monthly	Y Y				
		quarterly	X		Violation Base I	Penalty \$	7,500
		semiannual				Ψ.	, ,500
		annual					
		single event					
			One monthly event is	recommended	ı		
			one monenty event is	recommended	•		
Good F	aith Efforts to	Comply	25.0%			duction \$3	1,875
		Extraordinar	Before NOE/NOV NOE/NOV	to EDPRP/Settlem	nent Offer		
		Extraordinary	<u> </u>				
		Ordinary					
		N/A		aplated the con	rostiva maasura by		
		Note	The Respondent con September 22, 2020	•			
		11000	•	dated May 20,			
					Violation S	ubtotal \$!	5,625
Econon	nic Benefit (EB) for this violati	on		Statutory Limit To	est	
					•		
	Es	timated EB Amoun	t	\$32	Violation Final Penalt	y Total \$13	3,125
				nal Assessed	Penalty (adjusted for	limits) ¢11	3,125
			This violation Fi	IIai Assesseu	Penaity (aujusteu ioi	ηιιιι ισ) φ1.	3,123

	E	conomic	Benefit	Woı	rksheet		
the control of the co		Petrochemicals &	Refining USA, Ir	ıc.			
Case ID No.		(DC)((N _ 2)					
Reg. Ent. Reference No.		(PCW No. 2)					V
Media Violation No.						Percent Interest	Years of Depreciation
Violation No.	1					ГО	_
	.					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$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	14.500			0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	7-Jul-2020	22-Sep-2020	0.21	\$16	n/a	\$16
Remediation/Disposal Permit Costs				0.00	\$0 #0	n/a	\$0
Other (as needed)	\$1,500	7-Jul-2020	22-Sep-2020	0.00	\$0 \$16	n/a n/a	<u>\$0</u> \$16
Notes for DELAYED costs	pump recycle updated p recurrence	controls should borocedure for all coof emissions ever	e placed into aut of the personnel onts due to the sa	omatic involve me or s	upon pump activa d in switching the similar causes as I	ansfer pumps to inc tion and to conduct pumps in order to p ncident No. 338411 tes are the dates of	training of the prevent the The Dates
Avoided Costs	ANNUA	ALIZE avoided c	osts before en	terina	item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$3,000			TOTAL		\$32

	Screening Date		PCW
		TotalEnergies Petrochemicals & Refining USA, Inc.	Policy Revision 5 (January 28, 2021)
	Case ID No.	61088	PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN100212109 (PCW No. 2)	
	Media	Air	
	Enf. Coordinator	Johnnie Wu	
	Violation Number	2	
	Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 21538	3, SC
		No. 1, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Cod 382.085(b)	·
	Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 342.61 lbs of VOC, 234.39 lbs of CO, and 18.28 lbs of NOx from the South FEPN ES-805, during an emissions event (Incident No. 339871) that occurred July 30, 2020 and lasted two hours and 35 minutes. The emissions event occurred when overheating of a gas phase compressor motor that caused an electrical resulting in the Train 9 Gas Phase Compressor to shut down and in flaring. So the emissions event was not caused by a sudden unavoidable breakdown equipment or process beyond the control of the owner or operator and could been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense 30 Tex. Admin. Code § 101.222.	Flare, ed on curred I fault, Since of I have ce
		Base Pe	enalty \$25,000
>> Env	vironmental, Prope	rty and Human Health Matrix	
	Release	Harm Major Moderate Minor	
OR	Actual		
	Potential		
>>Prog	grammatic Matrix		
	Falsification	Major Moderate Minor	
		Percent 0.0%	
	Matrix	h or the environment has been exposed to insignificant amounts of pollutants w	
	Notes do not exceed	l levels that are protective of human health or environmental receptors as a re	sult of
		the violation.	
		Adiustus out	17.500
		Adjustment \$1	17,500
			\$7,500
			7.7000
Violatio	on Events		
	Number of \	/iolation Events 1 Number of violation day	'S
		daily	
		weekly monthly x	
		quarterly Violation Base Pe	enalty \$7,500
		semiannual	\$7,500
		annual	
		single event	
		One monthly event is recommended.	
Good F	aith Efforts to Com	rply 0.0% Red	luction \$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary Ex	
		Ordinary	
		N/A x	
		The Respondent does not meet the good faith criteria for	
		Notes this violation.	
		Violation Su	btotal \$7,500
Econ-	wie Denefit (FD) (this violation Ct-tut 1: "T	
Econon	nic Benefit (EB) for	<u></u>	
	Estimat	ed EB Amount \$1,377 Violation Final Penalty	* Total \$15,000
		This violation Final Assessed Penalty (adjusted for li	imits) \$15,000
		, ,	- 1 - 1 - 2 - 2

	E	conomic	Benefit	Wor	ksheet		
	_	Petrochemicals &	Refining USA, I	nc.			
Case ID No.							
Reg. Ent. Reference No.		(PCW No. 2)					
Media Violation No.						Percent Interest	Years of Depreciation
Violation ito:	_					5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Thom Description	Item Cost	Date Required	rinai Date	TIS	Interest Saveu	Costs Saveu	EB Alliount
Item Description							
Dolayed Costs							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$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		<u> </u>		0.00	\$0 \$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$10,000	30-Jul-2020	1-May-2023	2.75	\$1,377	n/a	\$1,377
Notes for DELAYED costs	Estimated co	st to implement m	easures and/or	procedi	ures in order to pr	event the recurrence e Date Required is t	e of emissions
	ϵ	emissions event oc	ccurred and the	Final Da	ate is the estimate	d date of complianc	e.
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment Financial Assurance		1		0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							3 3
Approx. Cost of Compliance		\$10,000			TOTAL		\$1,377

	Screening Date	27-May-2021		Do	ocket No.	2021-0972	-AIR-E		PCW
	•	TotalEnergies P	etrochemicals	& Refining	USA, Inc.			Policy R	evision 5 (January 28, 2021)
	Case ID No.							PCW	Revision February 11, 2021
Reg. I	Ent. Reference No.		(PCW No. 2)						
	Media								
	Enf. Coordinator								
	Violation Number		0 1 66 10	1 20(1) 11		D) 116 11 E	() 140	2 4 42 (4)	
	Rule Cite(s)	30 Tex. Admir	ı. Code §§ 10 ederal Regula						
			euerai Regula 0.C, FOP No.	•	, - , ,	. ,,			
		1405. 1 4114 1	0.0, 101 10.	· · · · · · · · · · · · · · · · · · ·	382.085(b)	7. 1 1, and 1	CXI I I Cultil	a Surcey	
		Eailed to prove	at upauthoriz		<u> </u>	o oporato th	o flaro wit	a na visibla	
		Failed to preve emissions. Spe				•			
		419.68 lbs of \	* *	•	•	•			
		ES-205, durin							
			ted one hour						
	Violation Description		•		•	•	_		
		circulation pum	•	_					
		sudden unav	pidable break perator and co	•	•	•			
		operational and				•	_		
			ffirmative def	•	•	•		ooci anig ani	
						<u> </u>			
							Bas	se Penalty	\$25,000
>> Env	ironmontal Drong	uty and Hum	an Haalth	Matrix					
>> ENV	ironmental, Prope	erty and mun	Harm	матлх					
	Release	e Major	Moderate	Minor					
OR	Actua			Х]				
	Potentia					Percent	30.0%		
						ı			
>>Prog	grammatic Matrix	Major	Modovato	Minor					
	Falsification	Major	Moderate	Minor	1	Percent	0.0%	1	
					1	i ci cciic	0.0 70	1	
	Matrix	th or the environ evels that are pr		•	or environmo		ors as a re		
									\$7,500
Violatio	on Events								
				1		1			
	Number of	Violation Events	1		1	Number of	violation da	ays	
		daily]					
		weekly							
		monthly	Х					_	
		quarterly				Vic	lation Bas	se Penalty	\$7,500
		semiannual							
		annual single event							
		Single event							
			One menth	ly avant is r	ecommended	1			
			One month	ly event is it	ecommended	J.			
Good E	aith Efforts to Con	anly	25.0%					Reduction	\$1,875
Good 1	aith Liferts to con		efore NOE/NOV	NOE/NOV to E	EDPRP/Settleme	ent Offer		Reduction	\$1,075
		Extraordinary	0.0.0.102,01		2.1.4.7.2.2.4.1.				
		Ordinary	Х						
		N/A				<u>l</u>			
		ĺ	The Respond	lant complet	od the corre	ctivo mosci	ıro on luly]	
		Notes	•	•	he NOE date		•		
			-,, 202	., p 51 to ti					
							Violatio	n Subtotal	\$5,625
Econon	nic Benefit (EB) fo	r this violati	on			Statutor	y Limit [*]	Гest	
	Estimat	ed EB Amount		\$10		Violation	Final Per	alty Total	\$13,125
					-			-	
			This v	iolation Fin	ial Assesse	d Penaltv <i>i</i>	adiusted	for limite)	\$13,125

	E	conomic	Benefit	Woi	rksheet		
	_	Petrochemicals &	Refining USA, I	nc.			
Case ID No.	61088						
Reg. Ent. Reference No.	RN100212109	(PCW No. 2)					
Media	Air					Percent Interest	Years of
Violation No.	3					reicent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
zeem zesempuem							
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	110.000	40.7.4.0000	17.1.1.0000	0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	10-Jul-2020	17-Jul-2020	0.02	\$10	n/a	\$10
Notes for DELAYED costs	prevent the r	ecurrence of emis nat the North Flare	sions events du e is operated wi	e to the	same or similar c	ain 6 circulation pur auses as Incident N he Date Required is e of compliance.	o. 338792 and
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$10

Screening Date	27-May-2021		Doc	cket No. 2021-0972	-AIR-E		PCW
<u>-</u>	TotalEnergies Pe	trochemicals	& Refining U	SA, Inc.		Policy Re	vision 5 (January 28, 2021)
Case ID No.						PCW .	Revision February 11, 2021
Reg. Ent. Reference No.		PCW No. 2)					
Media Enf. Coordinator							
Violation Number							
Rule Cite(s)		C- 1- CC 10	1 20/1) 111	111/-\/1\/D\ 11C 11E	(-)	40 CED C	
	30 Tex. Admin.		` ''	111(a)(1)(B), 116.115 os. 1 and 12.C, and N	` ''	_	
	, , , , ,		•	No. 14, and Tex. Healt		-	
	Eailed to pr	ovent unaut	harizad amiss	ions and failed to opera	ato the flare with no	vicible	
	·			xperience 100 percent			
		• •	•	rth Flare, EPN ES-205,			
			•	2,713.50 lbs of CO, an			
			_	sions event (Incident N utes. The emissions ev		-	
Violation Description							
	Phase condu	ctor on the p	rimary side o	f the A Phase transforr	ner and caused an a	rc flash,	
	_			e Plant's electrical pov			
			•	den unavoidable break rator and could have b		•	
	•		•	nance practices, the Re	•	_	
	asse	erting an affir	rmative defen	se under 30 Tex. Admi	n. Code § 101.222.		
					Ва	se Penalty	\$25,000
>> Environmental, Prope	rty and Huma	an Health	Matrix				
Balance	Maiau	Harm	Minou				
OR Release		Moderate	Minor x				
Potential			X	Percent	30.0%)	
_						_	
>> Programmatic Matrix Falsification	Major	Modorato	Minor				
Faisincation	Major	Moderate	Minor	Percent	0.0%	7	
			•	nsignificant amounts of conmental receptors as	•		
				Adjus	tment	\$17,500	
							\$7,500
Violation Events							
	_						
Number of '	Violation Events	1		Number of	violation days		
	daily						
	weekly						
	monthly	Х					
	quarterly semiannual				Violation Ba	se Penalty	\$7,500
	annual						
	single event						
		One m	onthly event	is recommended.			
]					
Good Faith Efforts to Com		25.0%	NOE/NOV to ED	PRP/Settlement Offer		Reduction	\$1,875
	Extraordinary	ore NOL/NOV	NOL/NOV to LD	rkr/Settlement Onei			
	Ordinary	Х					
	N/A					=	
	Notes			the corrective measu NOE dated Septembe			
	<u>=</u>				Violatio	n Subtotal	\$5,625
Economic Benefit (EB) for	r this violatio	n		Statutor	y Limit Test		
		n	\$156	Statutor	_	nalty Total	\$13 12 5
	r this violatio	n	\$156	Statutor ation Final Assessed	Violation Final Per	_	\$13,125 \$13,125

	E	conomic	Benefit	Wor	rksheet		
• • • • • • • • • • • • • • • • • • •	_	Petrochemicals &	Refining USA, I	nc.			
Case ID No.		(DOW N 2)					
Reg. Ent. Reference No. Media Violation No.	Air	(PCW No. 2)				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
•							
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 Permit Costs				0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)	\$10,000	18-May-2021	9-Sep-2021	0.00	\$0 \$156	n/a n/a	\$156
Notes for DELAYED costs	inform per unsecure improvements to the same of are operated	sonnel through the dimaterial that consists to the capital important similar causes a with no visible em	ne use of the Re buld become air provement plan as Incident No. nissions. The D Final Date is	turn of borne in in orde 358551 ate Req s the da	Experience Progrant high wind events or to prevent the real and to ensure that uired is the date that of compliance.	n, storage, and layon of the dangers point of the dangers point of the dangers point of the North Flare and the emissions event	resented by cal system ons events due nd South Flare began and the
Avoided Costs	ANNUA	LIZE avoided co	osts before en			one-time avoide	
Disposal -				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0 #0	\$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0	\$0 #0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		0.00	<u> </u>	3 0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$156

	Screening Date	27-May-2021		Do	ocket No.	2021-0972-	AIR-E		PCW
	Respondent	TotalEnergies Po	etrochemicals	& Refining I	USA, Inc.			Policy R	evision 5 (January 28, 2021)
	Case ID No.	61088						PCV	/ Revision February 11, 2021
Reg. Ent	. Reference No.		PCW No. 2)						
_	Media								
E	inf. Coordinator								
	Violation Number Rule Cite(s)		- Codo SS 10	11 20/11 11	E 700/4\ 11.	6 11 E(a) an	d 122 142/4)	40 CED C	
	reale effects)		NSR Permit No	o. 3908B, S0	` ,,	10.B, FOP N	d 122.143(4), o. 01293, GTC 085(b)	_	
Vi	olation Description	present at all North Flare, EF August 16, 20 when moistur front generato and resulting emissions ev process beyon	times. Specton ES-205, dupon E	ifically, the Furing an emisd eight hoursdown the pipes to rust to form to go out as a sol of the owner operational	Respondent ressions event is and 50 min that carry the in, preventing and in the relessed on operate at and mainte	eleased 749 (Incident Noutes. The ele flame to the the flame frease to the accidable breador and could enance pract	missions event e flare tip for t	from the began on occurred he flame the flare the oment or olded by ondent is	
							Bas	se Penalty	\$25,000
>> Fnyiro	onmental, Prope	rty and Hum	an Health	Matriv					
LIIVII U		_	Harm						
OR	Release Actual		Moderate	Minor	1				
UK	Potential			X		Percent	30.0%	1	
	rotential					rercent	30.0%	1	
>>Progra	mmatic Matrix								
	Falsification	Major	Moderate	Minor	1	_		•	
						Percent	0.0%		
		h or the environ that are protect		•	nvironmental	receptors as	•		
					Auj	ustment		\$17,500	•
									\$7,500
Violation	Events								
	Number of \	/iolation Events	1		1	Number of v	violation days		
		daily							
		weekly							
		monthly quarterly	X				Violation Bas	se Penalty	\$7,500
		semiannual					Violation bas	oc i charcy	Ψ7,300
		annual							
		single event							
			One mon	thly event is	recommend	ed			
			OHE HIOH	conf event is	, recommend	Cui			
Good Fait	h Efforts to Com	ply	25.0%					Reduction	\$1,875
		Ве	efore NOE/NOV	NOE/NOV to E	DPRP/Settleme	nt Offer			
		Extraordinary							
		Ordinary	Х						
		N/A	The D			-Li.		1	
		Notes	•	•	ed the correct the NOE date		es by October 1, 2022.		
			31, 20	, prior to t	date	S Juniaury Z	_,	<u>J</u>	
								n Subtotal	\$5,625
Economic	Benefit (EB) for	r this violation	on			Statutory	/ Limit Test		
	Estimate	ed EB Amount		\$104]	Viola	tion Final Per	alty Total	\$13,125
			TI	his violatio	n Final Assa	ssed Penal	ty (adjusted	for limits)	\$13,125
				iiis violatiul	i iliai A350	JJGU FEIIAI	ty (aujusteu	. J. mints)	φ13,123

	E	conomic	Benefit	Woı	rksheet		
Respondent Case ID No.		Petrochemicals &	Refining USA, In	nc.			
Reg. Ent. Reference No.		(PCW No. 2)					
Media		,				Percent Interest	Years of
Violation No.	5					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		-					
•							
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 n/a	\$0 \$0
Land Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	16-Aug-2021	31-Oct-2021	0.21	\$104	n/a	\$104
Notes for DELAYED costs	tubes on a r ("psi") to 30 as Incident N	routine basis and psi in order to pre No. 364877 and to	to reduce the prevent the recurred ensure that the	essure ence of e North	on the flare pilots emissions events Flare is operated	w down the flame f from 60 pounds pe due to the same or with a flame preser I Date is the date o	r square inch similar causes It at all times.
Avoided Costs	ANNUA	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$104

		<u>-</u>					
	E	conomic	Benefit	Woi	rksheet		
Respondent	TotalEnergies	Petrochemicals &	Refining USA, I	nc.			
Case ID No.	_		,				
Reg. Ent. Reference No.		(PCW No. 2)					
Media		(1 CW 140. 2)					Years of
Violation No.						Percent Interest	Depreciation
Violation No.	O .						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
•							
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	+10.000	14.0 2010	22.6 2021	0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-Oct-2019	23-Sep-2021	1.95	\$973	n/a	\$973
Notes for DELAYED costs	additiona	I control points fo	r potential inter	actions	with the utilities s	I system and to rev ystem in order to p	event the
						Incident No. 322816 Ite is the date of co	
Avoided Costs	ANNUA	LIZE avoided co	osts before en	terina	item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$973

	Screening Date	•			et No. 2021-0972-AIR-E		PCW
	<u>-</u>		Petrochemicals	s & Refining USA,	Inc.	Policy Re	evision 5 (January 28, 2021)
	Case ID No.	61088				PCW	Revision February 11, 2021
Reg.	Ent. Reference No.	RN100212109	(PCW No. 2)				
	Media	Air					
	Enf. Coordinator	Johnnie Wu	_				
	Violation Number						
	Rule Cite(s)	20 Toy Admir	a Codo SS 11	6 115(c) and 12	2.143(4), NSR Permit No. 3908B, S	CC No. 1	
				• •	Tex. Health & Safety Code § 382.		
		101 1101 012	2757 616 4114	310 Hor 11, and	rext fredien a surety code 3 3021	003(5)	
		Failed to preve	ent unauthoriz	zed emissions. S	pecifically, the Respondent release	d 651.04	
		·			of NOx from the North Flare, EPN		
		during an em	nissions event	(Incident No. 32	4532) that occurred on November	8, 2019	
					missions event occurred when the		
	Violation Description		•	•	8B Atactic Pump failed, resulting in	_	
	•				I by a sudden unavoidable breakdo the owner or operator and could ha		
					erational and maintenance practice		
		·		-	affirmative defense under 30 Tex.		
			р. со. а а с а	Code § 1		71	
					Base	Penalty	\$25,000
							, .,
>> Env	vironmental, Prope	rty and Hun	nan Health	Matrix			
			Harm				
OR	Release Actual		Moderate	Minor			
	Potential			X	Percent 30.0%		
	1 occincian				30.070		
>>Pro	grammatic Matrix						
	Falsification	Major	Moderate	Minor			
					Percent 0.0%		
	Matrix			· · · · · · · · · · · · · · · · · · ·	gnificant amounts of pollutants whi		
	Notes exceed le	vels that are pro	otective of hur		vironmental receptors as a result o	of the	
				violation.			
					Adjustment	\$17 500	
					Adjustment	\$17,500	
					Adjustment	\$17,500	\$7,500
Violeti	an Evanta				Adjustment	\$17,500	\$7,500
Violati	on Events				Adjustment	\$17,500	\$7,500
Violati		/iolation Events	1			\$17,500	\$7,500
Violati		/iolation Events	1		Adjustment Number of violation days	\$17,500	\$7,500
Violati		daily	1			\$17,500	\$7,500
Violati		daily weekly	1			\$17,500	\$7,500
Violati		daily weekly monthly	1 X		Number of violation days		
Violati		daily weekly monthly quarterly					\$7,500 \$7,500
Violati		daily weekly monthly			Number of violation days		
Violati		daily weekly monthly quarterly semiannual			Number of violation days		
Violati		daily weekly monthly quarterly semiannual annual			Number of violation days		
Violati		daily weekly monthly quarterly semiannual annual	X	thly event is reco	1 Number of violation days Violation Base		
Violati		daily weekly monthly quarterly semiannual annual	X	thly event is reco	1 Number of violation days Violation Base		
		daily weekly monthly quarterly semiannual annual single event	X	1	1 Number of violation days Violation Base mmended.		
	Number of \	daily weekly monthly quarterly semiannual annual single event	One mont One mont One mont	1	1 Number of violation days Violation Base mmended.	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event	One mont One mont One mont		1 Number of violation days Violation Base mmended.	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event	One mont One mont One mont		1 Number of violation days Violation Base mmended.	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event	One mont One mont One mont		1 Number of violation days Violation Base mmended.	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One mont One Mont X One Mont X A A A A A A A A A A A A	NOE/NOV to EDPRE	Number of violation days Violation Base mmended.	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event aply Extraordinary Ordinary	One mont One Mont X One Mont X A A A A A A A A A A A A	NOE/NOV to EDPRE	1 Number of violation days Violation Base mmended.	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One mont One Mont X One Mont X A A A A A A A A A A A A	NOE/NOV to EDPRE	Number of violation days Violation Base mmended. //Settlement Offer et the good faith criteria for this	e Penalty	\$7,500
	Number of \	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One mont One Mont X One Mont X A A A A A A A A A A A A	NOE/NOV to EDPRE	Number of violation days Violation Base mmended. //Settlement Offer et the good faith criteria for this	e Penalty Reduction	\$7,500
Good F	Number of \	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A Notes	One mont One mont One mont X The Respond	NOE/NOV to EDPRE	Number of violation days Violation Base mmended. Violation Figure 1: The control of the contr	e Penalty Reduction	\$7,500
Good F	Number of \	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A Notes	One mont One mont One mont X The Respond	NOE/NOV to EDPRE	Number of violation days Violation Base mmended. Violation Base Settlement Offer et the good faith criteria for this lation.	e Penalty Reduction	\$7,500
Good F	Faith Efforts to Com	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A Notes	One mont O.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRE	Number of violation days Violation Base mmended. Violation Figure 1: The control of the contr	e Penalty Reduction Subtotal	\$7,500
Good F	Faith Efforts to Com	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A Notes	One mont O.0% Before NOE/NOV X The Respond	NOE/NOV to EDPRE	Number of violation days Violation Base mmended. Visettlement Offer et the good faith criteria for this lation. Violation Statutory Limit Tes	Penalty Reduction Subtotal	\$7,500 \$7,500

	E	conomic	Benefit	Woı	rksheet		
Respondent Case ID No.	TotalEnergies Petrochemicals & Refining USA, Inc. 61088						
Reg. Ent. Reference No. Media	Air	(PCW No. 2)				Percent Interest	Years of
Violation No.	Depreciation						
	Th C t	Data Damaina d	Final Data	V	T	5.0	
Thom: Decemention	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$10,000	8-Nov-2019	1-May-2023	3.48	\$1,740	n/a	\$1,740
Notes for DELAYED costs	events due	to the same or si	imilar causes as	Incider	nt No. 324532. Th	revent the recurren e Date Required is d date of compliand	the date the
Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0 #0	\$0
Other (as needed) Notes for AVOIDED costs		JI JI		0.00	<u> \$0</u>	\$0	\$0
Approx. Cost of Compliance		\$10,000			TOTAL		\$1,740

Economic Benefit Worksheet							
	_	Petrochemicals &	Refining USA, I	nc.			
Case ID No.							
Reg. Ent. Reference No.		(PCW No. 2)					Varue of
Media Violation No.						Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	<u> </u>	-Ir		1 0 00	1 +0	L +0 I	40
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	12-Nov-2019	23-Sep-2021	1.87	\$933	n/a	\$933
Notes for DELAYED costs	Estimated cost to retighten the cable connections and to implement a preventative maintenance plan to inspect all substation cable connections every four years in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 324725. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.						
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				<u> 0.00</u>	1 \$0	3 0	\$0
Approx. Cost of Compliance		\$10,000			TOTAL		\$933

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



Compliance History Report

Compliance History Report for CN600582399, RN100212109, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN600582399, TotalEnergies **Classification:** SATISFACTORY Rating: 8.72

or Owner/Operator: Petrochemicals & Refining USA, Inc.

Classification: SATISFACTORY Regulated Entity: RN100212109, TOTALENERGIES Rating: 9.71

PETROCHEMICALS & REFINING USA LA

PORTE PLANT

Complexity Points: Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 1818 Independence Parkway South, La Porte, Harris County, Texas 77571-9803

TCEQ Region: **REGION 12 - HOUSTON**

ID Number(s):

EBT100212109

AIR OPERATING PERMITS ACCOUNT NUMBER HG0036S **EMISSIONS BANKING AND TRADING ID NUMBER**

AIR OPERATING PERMITS PERMIT 1293 AIR QUALITY NON PERMITTED ID NUMBER

LGL100212109

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION **AIR NEW SOURCE PERMITS PERMIT 3908B**

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0036S AIR NEW SOURCE PERMITS AFS NUM 4820100008

AIR NEW SOURCE PERMITS PERMIT 2269C AIR NEW SOURCE PERMITS PERMIT 21538 AIR NEW SOURCE PERMITS PERMIT 18153 AIR NEW SOURCE PERMITS REGISTRATION 2560 AIR NEW SOURCE PERMITS REGISTRATION 41719 AIR NEW SOURCE PERMITS PERMIT 83796

AIR NEW SOURCE PERMITS REGISTRATION 101790 AIR NEW SOURCE PERMITS REGISTRATION 111728 AIR NEW SOURCE PERMITS REGISTRATION 110569 AIR NEW SOURCE PERMITS REGISTRATION 111727 AIR NEW SOURCE PERMITS REGISTRATION 168164 AIR NEW SOURCE PERMITS PERMIT AMOC30

STORMWATER PERMIT TXR05M372

AIR EMISSIONS INVENTORY ACCOUNT NUMBER POLLUTION PREVENTION PLANNING ID NUMBER

HG0036S

P00243 INDUSTRIAL AND HAZARDOUS WASTE EPA ID INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

TXD086981172 REGISTRATION # (SWR) 30551

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50374 TAX RELIEF ID NUMBER 16511

Compliance History Period: September 01, 2016 to August 31, 2021 Rating Year: 2021 **Rating Date:** 09/01/2021

WASTEWATER PERMIT WQ0001000000

Date Compliance History Report Prepared: July 06, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 06, 2017 to July 06, 2022

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

Name: Johnnie Wu Phone: (512) 239-2524

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

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

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

Effective Date: 09/11/2017 ADMINORDER 2017-0216-AIR-E (1660 Order-Agreed Order With Denial) 1

Classification: Moderate

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)

Rgmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions

2 Effective Date: 05/13/2019 ADMINORDER 2018-0587-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 12(B) PERMIT

Description: Failure to operate the flare with a flame present at all times and failed to prevent unauthorized emissions.

3 Effective Date: 08/04/2020 ADMINORDER 2019-1645-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 21538, Special Condition 1 PERMIT NSR 3908B, Special Condition 1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for an unauthorized emissions during an

emissions event. {Category A12(i)(6)}

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 Special Term and Condition 1A OP

Description: Failure to comply with the maximum allowable emission rate (MAER) for NOx. (Category A8)

Classification: Minor

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

30 TAC Chapter 117, SubChapter B 117.345(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 14 OP

SC No. 22.E PERMIT

Description: Failure to submit a performance test report by the report submittal deadline. (Category C3)

4 Effective Date: 07/07/2021 ADMINORDER 2020-0348-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 17 PERMIT

ST&C 14 OP

Description: Failure to comply with the minimum removal efficiency ("RE"). Specifically, the RE for carbon compounds was an average of 92 percent ("%") and below the minimum RE of 98% for 506.9 hours on 25 days from February 9, 2019 through June 25, 2019 for the Blender/Feeder Vent Gas Catalytic Oxidizer, Emissions Point Number ("EPN") ES-975.

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: SC 1 PERMIT

ST&C 14 OP

Description: Failure to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 10.4 tons per year based on a 12-month rolling period for the 12-month periods ending from May 2018 through December 2019 for the South Flare, EPN ES-805, resulting in 8.1 tons of unauthorized VOC emissions.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 14 PERMIT

Special Term & Condition 14 OP

Description: Failure to continuously monitor and record the oxygen concentration when waste gas is directed to the thermal oxidizer. Specifically, the oxygen analyzer for the North Thermal Oxidizer exceeded 5% of the time that the thermal oxidizer was operated over the previous rolling 12-month period by a range from 6.1% to 49.8% for the 12-month periods ending from February 2019 through December 2019.

5 Effective Date: 02/28/2022 ADMINORDER 2021-0219-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 21538 PERMIT

3908B PERMIT

FOP 01293 GTC AND STC 14 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered

on October 17, 2020, TCEQ/STEERS Incident No. 344174. Category A12.i.(6)

Classification: Moderate

Citation: 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: FOP O1293 GTC AND STC 2.F OP

Description: Failure to submit an accurate final record associated with emissions event, TCEQ/STEERS Incident No.

344174. Category C3 Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: FOP 01293 GTC and STC 14 OP

NSR Permit, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emission to the atmosphere during an emissions event that was discovered

on December 2, 2020, TCEQ/STEERS Incident No. 346926. [Category A12.i.(6)]

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: FOP O1293 GTC and STC 14 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on December 15, 2020, TCEQ/STEERS Incident No. 347671 (Category A12.i.(6)).

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	September 22, 2017	(1435336)
Item 2	October 17, 2017	(1456002)
Item 3	November 17, 2017	(1461482)
Item 4	December 12, 2017	(1467862)
Item 5	January 18, 2018	(1474567)
Item 6	February 20, 2018	(1486793)
Item 7	March 13, 2018	(1490470)
Item 8	April 10, 2018	(1493707)
Item 9	May 14, 2018	(1500625)
Item 10	May 30, 2018	(1474305)
Item 11	June 15, 2018	(1507742)
Item 12	July 06, 2018	(1499252)

	7 1 40 0040	(4.54.40.60)
Item 13	July 13, 2018	(1514060)
Item 14	August 09, 2018	(1520122)
Item 15	December 11, 2018	(1545263)
Item 16	January 09, 2019	(1559764)
Item 17	March 14, 2019	(1559763)
Item 18	April 11, 2019	(1571860)
Item 19	June 07, 2019	(1583329)
Item 20	July 10, 2019	(1593175)
Item 21	August 08, 2019	(1599519)
Item 22	September 16, 2019	(1606424)
Item 23	November 11, 2019	(1619084)
Item 24	December 16, 2019	(1626436)
Item 25	December 19, 2019	(1712563)
Item 26	December 27, 2019	(1610594)
Item 27	January 16, 2020	(1634077)
Item 28	February 24, 2020	(1640696)
Item 29	March 19, 2020	(1647216)
Item 30	April 17, 2020	(1653552)
Item 31	May 13, 2020	(1660139)
Item 32	June 12, 2020	(1666643)
Item 33	July 15, 2020	(1673600)
Item 34	September 15, 2020	(1686944)
Item 35	October 12, 2020	(1693291)
Item 36	October 29, 2020	(1685325)
Item 37	December 16, 2020	(1712564)
Item 38	January 14, 2021	(1712565)
Item 39	February 17, 2021	(1725618)
Item 40	February 25, 2021	(1701903)
Item 41	March 15, 2021	(1725619)
Item 42	April 19, 2021	(1725620)
Item 43	April 21, 2021	(1691929)
Item 44	July 20, 2021	(1751740)
Item 45	July 26, 2021	(1679863)
Item 46	August 11, 2021	(1757204)
Item 47	August 31, 2021	(1756951)
Item 48	September 13, 2021	(1679034)
Item 49	September 27, 2021	(1692466)
Item 50	October 05, 2021	(1686124)
Item 51	October 11, 2021	(1776747)
Item 52	December 20, 2021	(1790682)
Item 53	January 13, 2022	(1798476)
Item 54	February 15, 2022	(1806350)
Item 55	March 16, 2022	(1813417)
Item 56	March 28, 2022	(1804301)
Item 57	April 13, 2022	(1819988)
	p. ii 10/ 2022	(1017700)

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

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

1 Date: 08/31/2021 (1766284)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 07/26/2018 (1510831)

No DOV Associated

Notice of Intent Date: 09/25/2018 (1523566)

No DOV Associated

G. Type of environmental management systems (EMSs): N/A
 H. Voluntary on-site compliance assessment dates: N/A
 I. Participation in a voluntary pollution reduction program: N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: TOTAL PETROCHEMICALS USA LA PORT

Reg Entity Add: 1818 INDEPENDENCE PKWY S

Reg Entity City: LA PORTE Reg Entity No: RN100212109

EPA Case No: 06-2019-3328 Order Issue Date (yyyymmdd): 20190430

Case Result:Final Order No PenaltyStatute:CAASect of Statute:111Classification:MinorProgram:New Source Performanc Citation:

Violation Type: Cite Sect: Cite Part:

Enforcement Action: Administrative Compliance Orders

Wednesday, July 6, 2022 Page 1 of 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§	BEFORE THE
§	
§	
§	TEXAS COMMISSION ON
§	
§	ENVIRONMENTAL QUALITY
	<i>கைகைகை</i>

AGREED ORDER DOCKET NO. 2021-0972-AIR-E

I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "To	CEQ") considered this agreement of the parties, resolving an enforcement
action regarding To	talEnergies Petrochemicals & Refining USA, Inc. (the "Respondent") under
the authority of TEX	K. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive
Director of the TCE	Q, through the Enforcement Division, and the Respondent together stipulate
that:	

- 1. The Respondent owns and operates a petroleum refinery located at 1818 Independence Parkway South in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Health & Safety Code ch. 382 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$148,163 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$70,141 of the penalty and \$7,882 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to Tex. Water Code § 7.067, \$70,140 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

- and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
- 5. 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). 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.
- 6. 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 Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By July 17, 2020, added a three second bus-under-voltage delay to the Train 6 circulation pump in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338792 and to ensure that the North Flare is operated with no visible emissions;
 - b. By July 27, 2020, capped or plugged the nine open-ended lines in volatile organic compounds ("VOC") service and highly reactive VOC service;
 - c. By September 22, 2020, updated the procedures for switching the propylene transfer pumps to indicate that the pump recycle controls should be placed into automatic upon pump activation and conducted training of the updated procedure for all personnel involved in switching the pumps in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 338411;
 - d. By November 30, 2020, removed hardened silt from the water clarifier, repaired the baffles, and demonstrated compliance with the VOC and propylene annual maximum allowable emissions rates ("MAERs") for the North Flare, Emissions Point Number ("EPN") ES-205;
 - e. On July 16, 2021, submitted a revised deviation report for the February 9, 2020 through August 8, 2020 reporting period to report the deviation for failing to perform a calibration on the temperature monitoring device for the Waste Heat Boiler;
 - f. By September 9, 2021, relocated or disposed loose materials from the substation, storage, and laydown yards; informed personnel through the use of the Return

of Experience Program of the dangers presented by unsecured material that could become airborne in high wind events; and added electrical system improvements to the capital improvement plan in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 358551 and to ensure that the North Flare and South Flare are operated with no visible emissions;

- g. By September 23, 2021, removed the emergency cutoff points from the control system and reviewed all of the additional control points for potential interactions with the utilities system in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 322816;
- h. By September 23, 2021, retightened the cable connections and implemented a preventative maintenance plan to inspect all substation cable connections every four years in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 324725; and
- i. By October 31, 2021, implemented a preventative maintenance program to blow down the flame front generator tubes on a routine basis and reduced the pressure of the flare pilots from 60 pounds per square inch ("psi") to 30 psi in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364877 and to ensure that the North Flare is operated with a flame present at all times.

II. ALLEGATIONS

- 1. During a record review for the Plant conducted from December 3, 2020 through June 16, 2021, an investigator documented that the Respondent:
 - a. Failed to comply with the MAERs, in violation of 30 Tex. ADMIN. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 3908B, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1293, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 8.36 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from October 2019 through October 2020 and exceeded the propylene MAER of 8.23 tpy based on a 12-month rolling period for the 12-month periods ending from July 2020 through September 2020 for the North Flare, EPN ES-205, resulting in 0.99 ton of unauthorized VOC emissions and 0.46 ton of unauthorized propylene emissions.
 - b. Failed to report all instances of deviations, in violation of 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O1293, GTC, and Tex. Health & Safety Code § 382.085(b). Specifically, the deviation report for the February 9, 2020 through August 8, 2020 reporting period did not include the deviation for failing to perform a calibration on the temperature monitoring device for the Waste Heat Boiler.
 - c. Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve, in violation of 30 Tex. ADMIN. CODE §§ 101.20(1) and (2), 113.130, 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and

63.167(a)(1), NSR Permit No. 3908B, SC No. 5.E, NSR Permit No. 18153, SC No. 14.E, and NSR Permit No. 21538, SC No. 18.E, FOP No. 01293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, from March 9, 2020 to July 27, 2020, the Respondent did not equip nine open-ended lines in VOC service and highly reactive VOC service with a cap, blind flange, plug, or second valve.

- 2. During a record review for the Plant conducted on May 10, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 21538, SC No. 1, FOP No. O1293, GTC and STC No. 14, and Tex. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 596.34 lbs of VOC, 410.98 lbs of carbon monoxide ("CO"), and 54.40 lbs of nitrogen oxides ("NOx") from the South Flare, EPN ES-805, during an emissions event (Incident No. 338411) that occurred on July 7, 2020 and lasted two hours and 25 minutes. The emissions event occurred when there was a switch between the propylene transfer pumps the night before and the system that automatically adjusts the feed to the units was not yet on-line, resulting in an increase in pressure of the propylene feed system and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 3. During a record review for the Plant conducted on May 10, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 21538, SC No. 1, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 342.61 lbs of VOC, 234.39 lbs of CO, and 18.28 lbs of NOx from the South Flare, EPN ES-805, during an emissions event (Incident No. 339871) that occurred on July 30, 2020 and lasted two hours and 35 minutes. The emissions event occurred when overheating of a gas phase compressor motor that caused an electrical fault, resulting in the Train 9 Gas Phase Compressor to shut down and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 4. During a record review for the Plant conducted from May 11, 2021 through May 17, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions and failed to operate the flare with no visible emissions, in violation of 30 Tex. Admin. Code §§ 101.20(1), 111.111(a)(1)(B), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(1), NSR Permit No. 3908B, SC Nos. 1 and 10.C, FOP No. 01293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent experienced 100 percent opacity and released 419.68 lbs of VOC, 323.93 lbs of CO, and 43.54 lbs of NOx from the North Flare, EPN ES-205, during an emissions event (Incident No. 338792) that occurred on July 10, 2020 and lasted one hour. The emissions event occurred when an electrical fault occurred at a nearby site that caused an interruption of power, resulting in the Train 6 circulation pump to trip and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by

better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. CODE § 101.222.

- 5. During a record review for the Plant conducted from June 30, 2021 through September 9, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions and failed to operate the flare with no visible emissions, in violation of 30 Tex. ADMIN. CODE §§ 101.20(1), 111.111(a)(1)(B), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(1), NSR Permit No. 21538, SC Nos. 1 and 12.C, and NSR Permit No. 3908B, SC Nos. 1 and 10.C, FOP No. O1293, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experience 100 percent opacity and released 63.56 lbs of VOC and 29.98 lbs of CO from the North Flare, EPN ES-205, and experienced 100 percent opacity and released 97.38 lbs of VOC, 2,713.50 lbs of CO, and 326.79 lbs of NOx from the South Flare, EPN ES-805, during an emissions event (Incident No. 358551) that began on May 18, 2021 and lasted 33 hours and 20 minutes. The emissions event occurred when a cable tray cover was blown by the wind during a major storm that impacted the main substation on the A Phase conductor on the primary side of the A Phase transformer and caused an arc flash, resulting in a fourhour shutdown of the Plant's electrical power and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 6. During a record review for the Plant conducted from August 27, 2021 through December 6, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions and failed to operate the flare with a flame present at all times, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.722(d), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(2), NSR Permit No. 3908B, SC Nos. 1 and 10.B, FOP No. O1293, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 749.33 lbs of VOC from the North Flare, EPN ES-205, during an emissions event (Incident No. 364877) that began on August 16, 2021and lasted eight hours and 50 minutes. The emissions event occurred when moisture had entered the pipes that carry the flame to the flare tip for the flame front generator and caused rust to form, preventing the flame from reaching the flare tip and resulting in the flame to go out and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
- 7. During a record review for the Plant conducted on October 5, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 21538, SC No. 1, NSR Permit No. 3908B, SC No. 1, FOP No. 01293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 574.11 lbs of VOC, 401.28 lbs of CO, and 44.01 lbs of NOx from the North Flare, EPN ES-205, and released 439.21 lbs of VOC, 268.23 lbs of CO, and 25.07 lbs of NOx from the South Flare, EPN ES-805, during an emissions event (Incident No. 322816) that occurred on October 14, 2019 and lasted eight hours and 40 minutes. The emissions event occurred when an emergency shutoff programmed into the control system was removed during a computer upgrade of the Train 5 and 6 Control System that caused an emergency shut down of all boilers, resulting in flaring. Since the emissions event was not caused by a

- sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 8. During a record review for the Plant conducted on October 5, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3908B, SC No. 1, FOP No. 01293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 651.04 lbs of VOC, 675.73 lbs of CO, and 85.56 lbs of NOx from the North Flare, EPN ES-205, during an emissions event (Incident No. 324532) that occurred on November 8, 2019 and lasted five hours and 50 minutes. The emissions event occurred when the seals on the P-18A Atactic Pump and the backup P-18B Atactic Pump failed, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 9. During a record review for the Plant conducted on October 5, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3908B, SC No. 1, FOP No. O1293, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 548.77 lbs of VOC, 334.63 lbs of CO, and 39.04 lbs of NOx from the North Flare, EPN ES-205, during an emissions event (Incident No. 324725) that occurred on November 12, 2019 and lasted 13 hours and 10 minutes. The emissions event occurred due to long term wear on the attachment bolt that caused the attachment bolt to pull loose from its mounting during high winds, resulting in the shut down of the Train 6 Reactor Circulation Pump and in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TotalEnergies Petrochemicals & Refining USA, Inc., Docket No. 2021-0972-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$70,140 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
- 3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of the Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 339871; and
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 324532.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No.
 3.a. The certification shall be signed by the Respondent and shall 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:

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

with a copy to:

Air Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Street, Suite H Houston, Texas 77023-1452

- 4. All relief not expressly granted in this Order is denied.
- 5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
- 6. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
- 7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 8. This 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 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.
- 9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Lin	3/10/2023
For the Executive Director	Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 OAG 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 OAG 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.

FEB 13, 2023 Date PLANT MANAGER

Signature

Name (Printed or typed)

Authorized Representative of

TotalEnergies Petrochemicals & Refining USA, Inc.

 \Box If mailing address has changed, please check this box and provide the new address below:

Attachment A

Docket Number: 2021-0972-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

TotalEnergies Petrochemicals & Refining USA, Inc.
\$140,281
\$70,140
Contribution to a Third-Party Pre-Approved SEP
Houston-Galveston Area Council-AERCO
Clean Vehicles Partnership Project

<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties

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 **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership 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 replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for

TotalEnergies Petrochemicals & Refining USA, Inc. Docket No. 2021-0972-AIR-E Agreed Order - Attachment A

at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely 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 to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO Emission Reduction Credit Corporation Attn: Air Quality Program Manager 3555 Timmons Lane, Suite 120 Houston, Texas 77027 TotalEnergies Petrochemicals & Refining USA, Inc. Docket No. 2021-0972-AIR-E Agreed Order - Attachment A

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. Recognition

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.