

**Executive Summary – Enforcement Matter – Case No. 62153**  
**TotalEnergies Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2022-0380-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Port Arthur Refinery, 7600 32nd Street, Port Arthur, Jefferson County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 23, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,250

**Amount Deferred for Expedited Settlement:** \$2,850

**Total Paid to General Revenue:** \$5,700

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$5,700

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

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** February 14, 2022

**Date(s) of NOE(s):** March 14, 2022

**Executive Summary – Enforcement Matter – Case No. 62153**  
**TotalEnergies Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2022-0380-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, the Respondent released 57.11 pounds ("lbs") of nitrogen oxides, 312.57 lbs of carbon monoxide, 1,685.42 lbs of sulfur dioxide, 168.18 lbs of volatile organic compounds, and 0.38 lb of hydrogen sulfide from the North and East Flares, Emissions Point Number FLARECAP, during an emissions event (Incident No. 371331) that began on December 12, 2021 and lasted 12 hours and four minutes. The emissions event occurred when a two-inch fuel gas line at the Reformer Unit was inadvertently left open to the Flare Gas Recovery System after a maintenance activity, 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 §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 46396, N044 and PSDTX1073M2, Special Conditions No. 1, Federal Operating Permit No. O1267, General Terms and Conditions and Special Terms and Conditions No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On April 14, 2022, the Respondent implemented a new operating procedure for preparing the 17FL-5 Fuel Gas Coalescer for a filter changeout in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371331.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

**Executive Summary – Enforcement Matter – Case No. 62153**  
**TotalEnergies Petrochemicals & Refining USA, Inc.**  
**RN102457520**  
**Docket No. 2022-0380-AIR-E**

***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:** Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

**Respondent:** Tommy Chavez, General Manager, TotalEnergies Petrochemicals & Refining USA, Inc., P.O. Box 849, Port Arthur, Texas 77642

Arvin Paul, Vice President, TotalEnergies Petrochemicals & Refining USA, Inc., P.O. Box 849, Port Arthur, Texas 77642

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	21-Mar-2022	
	<b>PCW</b>	8-May-2023	
	<b>Screening</b>	31-Mar-2022	
	<b>EPA Due</b>		

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	TotalEnergies Petrochemicals & Refining USA, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN102457520		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62153	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0380-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Johnnie Wu
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>100.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$7,500
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Notes

Enhancement for one NOV with same/similar violations, three NOVs with dissimilar violations, five orders containing a denial of liability, and one order without a denial of liability. Reduction for ten notices of intent to conduct an audit and eight disclosures of violations.

<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$750
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts  
Estimated Cost of Compliance

\$25  
\$1,500

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$14,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,250
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$2,850
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$11,400
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Screening Date

31-Mar-2022

Docket No.

2022-0380-AIR-E

PCW

Respondent

TotalEnergies Petrochemicals & Refining USA, Inc.

Case ID No.

62153

Reg. Ent. Reference No.

RN102457520

Media

Air

Enf. Coordinator

Johnnie Wu

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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> )	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	10	-10%
	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> )	8	-16%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)110%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, three NOVs with dissimilar violations, five orders containing a denial of liability, and one order without a denial of liability. Reduction for ten notices of intent to conduct an audit and eight disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)110%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%100%

Screening Date	31-Mar-2022	Docket No.	2022-0380-AIR-E	PCW
Respondent	TotalEnergies Petrochemicals & Refining USA, Inc.			Policy Revision 5 (January 28, 2021)
Case ID No.	62153			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102457520			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 46396, N044, and PSDTX1073M2, Special Conditions No. 1, Federal Operating Permit No. 01267, General Terms and Conditions and Special Terms and Conditions No. 29, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 57.11 pounds ("lbs") of nitrogen oxides, 312.57 lbs of carbon monoxide, 1,685.42 lbs of sulfur dioxide, 168.18 lbs of volatile organic compounds, and 0.38 lb of hydrogen sulfide from the North and East Flares, Emissions Point Number FLARECAP, during an emissions event (Incident No. 371331) that began on December 12, 2021 and lasted 12 hours and four minutes. The emissions event occurred when a two-inch fuel gas line at the Reformer Unit was inadvertently left open to the Flare Gas Recovery System after a maintenance activity, 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.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Harm Moderate	Minor
	Actual			x
	Potential			
			Percent	30.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
	Number of Violation Events	1	1	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$7,500
	One monthly event is recommended.			
Good Faith Efforts to Comply		10.0%	Reduction	\$750
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
	Ordinary			x
	N/A			
	Notes	The Respondent completed the corrective measures on April 14, 2022, after the Notice of Enforcement dated March 14, 2022.		
		Violation Subtotal	\$6,750	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$25	Violation Final Penalty Total	\$14,250
	This violation Final Assessed Penalty (adjusted for limits)			\$14,250

Economic Benefit Worksheet

Respondent TotalEnergies Petrochemicals & Refining USA, Inc.  
Case ID No. 62153  
Reg. Ent. Reference No. RN102457520  
Media Air  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	12-Dec-2021	14-Apr-2022	0.34	\$25	n/a	\$25
Notes for DELAYED costs	Estimated cost to implement a new operating procedure for preparing the 17FL-5 Fuel Gas Coalescer for a filter changeout in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371331. The Date Required is the date the emissions event began and the Final Date is the date of compliance.						

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
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$1,500	TOTAL	\$25
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# Compliance History Report

Compliance History Report for CN600582399, RN102457520, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600582399, TotalEnergies Petrochemicals & Refining USA, Inc.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	7.36
<b>Regulated Entity:</b>	RN102457520, PORT ARTHUR REFINERY	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	13.38
<b>Complexity Points:</b>	46	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	02 - Oil and Petroleum Refineries				
<b>Location:</b>	7600 32ND ST, PORT ARTHUR, JEFFERSON COUNTY, TX 77642-7901				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0005H  
**AIR QUALITY NON PERMITTED** ID NUMBER 10102457520  
**AIR NEW SOURCE PERMITS** REGISTRATION 11273  
**AIR NEW SOURCE PERMITS** PERMIT 46396  
**AIR NEW SOURCE PERMITS** REGISTRATION 55631  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX453M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1073  
**AIR NEW SOURCE PERMITS** EPA PERMIT N044  
**AIR NEW SOURCE PERMITS** REGISTRATION 101797  
**AIR NEW SOURCE PERMITS** REGISTRATION 101776  
**AIR NEW SOURCE PERMITS** REGISTRATION 118814  
**AIR NEW SOURCE PERMITS** REGISTRATION 139741  
**AIR NEW SOURCE PERMITS** REGISTRATION 110773  
**AIR NEW SOURCE PERMITS** REGISTRATION 109181  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1073M2  
**AIR NEW SOURCE PERMITS** REGISTRATION 137702  
**AIR NEW SOURCE PERMITS** REGISTRATION 132215  
**AIR NEW SOURCE PERMITS** REGISTRATION 111965  
**AIR NEW SOURCE PERMITS** REGISTRATION 110763  
**AIR NEW SOURCE PERMITS** REGISTRATION 155100  
**AIR NEW SOURCE PERMITS** PERMIT AMOC59  
**AIR NEW SOURCE PERMITS** REGISTRATION 161828  
**AIR NEW SOURCE PERMITS** REGISTRATION 166855  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1073M3  
**AIR NEW SOURCE PERMITS** REGISTRATION 163516  
**AIR NEW SOURCE PERMITS** REGISTRATION 144748  
**AIR NEW SOURCE PERMITS** REGISTRATION 151211  
**AIR NEW SOURCE PERMITS** REGISTRATION 159672  
**AIR NEW SOURCE PERMITS** REGISTRATION 160728  
**AIR NEW SOURCE PERMITS** REGISTRATION 154201  
**AIR NEW SOURCE PERMITS** REGISTRATION 172132  
**WASTEWATER** PERMIT WQ0000491000  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0005H

**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50074

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30002

**TAX RELIEF** ID NUMBER 16820

**TAX RELIEF** ID NUMBER 16812

**AIR OPERATING PERMITS** PERMIT 1267  
**AIR NEW SOURCE PERMITS** REGISTRATION 121637  
**AIR NEW SOURCE PERMITS** REGISTRATION 35330  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0005H  
**AIR NEW SOURCE PERMITS** AFS NUM 4824500037  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX453  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1073M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 101772  
**AIR NEW SOURCE PERMITS** REGISTRATION 102135  
**AIR NEW SOURCE PERMITS** REGISTRATION 138865  
**AIR NEW SOURCE PERMITS** REGISTRATION 110761  
**AIR NEW SOURCE PERMITS** REGISTRATION 110766  
**AIR NEW SOURCE PERMITS** REGISTRATION 107454  
**AIR NEW SOURCE PERMITS** REGISTRATION 108341  
**AIR NEW SOURCE PERMITS** REGISTRATION 110165  
**AIR NEW SOURCE PERMITS** REGISTRATION 118073  
**AIR NEW SOURCE PERMITS** REGISTRATION 110768  
**AIR NEW SOURCE PERMITS** REGISTRATION 131467  
**AIR NEW SOURCE PERMITS** REGISTRATION 110769  
**AIR NEW SOURCE PERMITS** REGISTRATION 152274  
**AIR NEW SOURCE PERMITS** REGISTRATION 168522  
**AIR NEW SOURCE PERMITS** REGISTRATION 164527  
**AIR NEW SOURCE PERMITS** REGISTRATION 166674  
**AIR NEW SOURCE PERMITS** REGISTRATION 162102  
**AIR NEW SOURCE PERMITS** REGISTRATION 166287  
**AIR NEW SOURCE PERMITS** REGISTRATION 146063  
**AIR NEW SOURCE PERMITS** REGISTRATION 149018  
**AIR NEW SOURCE PERMITS** REGISTRATION 157656  
**AIR NEW SOURCE PERMITS** REGISTRATION 161471  
**AIR NEW SOURCE PERMITS** REGISTRATION 158780  
**STORMWATER** PERMIT TXR15236D  
**WASTEWATER** EPA ID TX0004201  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00241  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD065099160  
**TAX RELIEF** ID NUMBER 16808

**TAX RELIEF** ID NUMBER 16805

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** March 20, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 20, 2018 to March 20, 2023

**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:**

1 Effective Date: 09/26/2018 ADMINORDER 2017-1234-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 11 PERMIT  
Special Terms and Condition 29 OP

Description: Failed to comply with the emissions limit and the hourly MAER.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(4)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 3 PERMIT  
Special Condition 5 PERMIT  
Special Terms and Condition OP  
Special Terms and Conditions 1 A. OP

Description: Failed to comply with the concentration limit and the hourly MAER.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 11 PERMIT  
Special Condition 29 OP  
Special Condition 69 PERMIT

Description: Failed to comply with the concentration limit and the hourly MAER.

Classification: Moderate

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

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 38 PERMIT  
Special Terms and Condition 29 OP

Description: Failed to comply with the hourly MAER.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 11 PERMIT  
Special Condition 29 OP  
Special Conditions 1 PERMIT  
Special Terms and Conditions 29 OP

Description: Failed to comply with the concentration limit, the emissions limit, and the hourly MAER.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 11 PERMIT  
Special Condition 29 OP

Description: Failed to comply with the hourly MAER.

- 2 Effective Date: 06/18/2019 ADMINORDER 2018-0830-IWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- 3 Effective Date: 02/21/2021 ADMINORDER 2020-0543-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Terms and Conditions 29 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.
- 4 Effective Date: 09/29/2021 ADMINORDER 2020-1414-IWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE §305.125(1), TEX. WATER CODE §26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000491000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 004 and 007, as shown in the effluent violation table below  
  
Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failed to collect and analyze effluent samples at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§305.125(1) and (5), 319.5(b), and TPDES Permit No. WQ0000491000, Effluent Limitations and Monitoring Requirements No. 1, Outfall 001. Specifically, the Respondent did not collect and analyze polychlorinated biphenyls for the annual monitoring period ending August 31, 2019.

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	May 03, 2018	(1477605)
Item 2	May 18, 2018	(1500557)
Item 3	May 29, 2018	(1486132)
Item 4	May 30, 2018	(1482894)
Item 5	May 31, 2018	(1485604)
Item 6	June 05, 2018	(1486349)
Item 7	June 13, 2018	(1478729)
Item 8	July 02, 2018	(1498564)
Item 9	July 19, 2018	(1513991)
Item 10	August 12, 2018	(1498953)
Item 11	August 13, 2018	(1478730)
Item 12	August 20, 2018	(1520053)
Item 13	August 23, 2018	(1506045)
Item 14	September 10, 2018	(1512331)
Item 15	September 20, 2018	(1527218)
Item 16	September 24, 2018	(1513793)
Item 17	October 09, 2018	(1518526)
Item 18	October 18, 2018	(1533576)
Item 19	October 23, 2018	(1512181)
Item 20	November 12, 2018	(1525440)
Item 21	November 14, 2018	(1541411)
Item 22	November 20, 2018	(1526894)
Item 23	December 17, 2018	(1524703)
Item 24	December 20, 2018	(1545195)
Item 25	December 27, 2018	(1531947)
Item 26	January 07, 2019	(1525726)
Item 27	January 09, 2019	(1537445)
Item 28	January 16, 2019	(1537950)
Item 29	January 18, 2019	(1559560)
Item 30	February 20, 2019	(1559558)
Item 31	March 20, 2019	(1559559)
Item 32	April 17, 2019	(1571792)
Item 33	April 18, 2019	(1555067)
Item 34	April 22, 2019	(1555872)
Item 35	April 26, 2019	(1555700)
Item 36	May 08, 2019	(1557271)
Item 37	May 17, 2019	(1583193)
Item 38	May 31, 2019	(1555008)
Item 39	June 10, 2019	(1571251)
Item 40	June 12, 2019	(1571198)
Item 41	June 19, 2019	(1583194)
Item 42	July 01, 2019	(1575926)
Item 43	July 03, 2019	(1575967)
Item 44	July 15, 2019	(1593105)
Item 45	July 29, 2019	(1579672)
Item 46	August 11, 2019	(1581962)
Item 47	August 16, 2019	(1599451)
Item 48	August 22, 2019	(1580315)

Item 49	August 23, 2019	(1582365)
Item 50	September 19, 2019	(1606356)
Item 51	October 16, 2019	(1613202)
Item 52	October 25, 2019	(1599007)
Item 53	November 15, 2019	(1619016)
Item 54	November 21, 2019	(1610492)
Item 55	November 26, 2019	(1611030)
Item 56	December 18, 2019	(1626368)
Item 58	January 17, 2020	(1634009)
Item 59	January 24, 2020	(1617027)
Item 60	January 28, 2020	(1618215)
Item 61	January 31, 2020	(1623103)
Item 62	February 03, 2020	(1611519)
Item 63	February 06, 2020	(1624022)
Item 64	February 12, 2020	(1629953)
Item 65	February 14, 2020	(1625495)
Item 66	March 05, 2020	(1632542)
Item 67	March 16, 2020	(1647148)
Item 68	March 18, 2020	(1633636)
Item 69	March 26, 2020	(1637268)
Item 70	April 09, 2020	(1640104)
Item 71	April 10, 2020	(1633621)
Item 72	April 14, 2020	(1633878)
Item 73	May 28, 2020	(1646393)
Item 74	June 04, 2020	(1650785)
Item 75	June 17, 2020	(1666575)
Item 76	June 29, 2020	(1646773)
Item 77	July 15, 2020	(1658471)
Item 78	July 17, 2020	(1673532)
Item 79	August 18, 2020	(1680306)
Item 80	September 17, 2020	(1686876)
Item 81	September 29, 2020	(1678517)
Item 82	October 19, 2020	(1670990)
Item 83	November 06, 2020	(1678922)
Item 84	November 19, 2020	(1712359)
Item 85	January 07, 2021	(1672551)
Item 86	January 13, 2021	(1698887)
Item 87	January 14, 2021	(1692076)
Item 88	January 22, 2021	(1672625)
Item 89	January 27, 2021	(1671576)
Item 90	January 29, 2021	(1672602)
Item 91	February 04, 2021	(1690833)
Item 92	February 08, 2021	(1677402)
Item 93	February 26, 2021	(1698308)
Item 94	April 28, 2021	(1672666)
Item 95	April 29, 2021	(1672664)
Item 96	May 10, 2021	(1711341)
Item 97	May 25, 2021	(1711461)
Item 98	May 26, 2021	(1711863)
Item 99	May 28, 2021	(1711867)
Item 100	June 02, 2021	(1706949)
Item 101	June 10, 2021	(1735499)
Item 102	June 15, 2021	(1740021)
Item 103	June 22, 2021	(1706945)
Item 104	July 22, 2021	(1737542)
Item 105	September 17, 2021	(1760463)
Item 106	October 11, 2021	(1776619)
Item 107	October 13, 2021	(1750692)
Item 108	October 15, 2021	(1750693)
Item 109	October 31, 2021	(1760409)
Item 110	November 01, 2021	(1762314)
Item 111	November 17, 2021	(1783588)

Item 112	November 22, 2021	(1774459)
Item 113	November 28, 2021	(1771833)
Item 114	December 06, 2021	(1684352)
Item 115	December 07, 2021	(1646026)
Item 116	December 09, 2021	(1745496)
Item 117	December 20, 2021	(1781372)
Item 118	January 20, 2022	(1782797)
Item 119	February 04, 2022	(1782295)
Item 120	February 15, 2022	(1789884)
Item 121	February 16, 2022	(1806282)
Item 122	February 18, 2022	(1794752)
Item 123	March 09, 2022	(1813347)
Item 124	April 05, 2022	(1803302)
Item 125	April 11, 2022	(1806023)
Item 126	April 28, 2022	(1794860)
Item 127	May 16, 2022	(1828759)
Item 128	May 26, 2022	(1805158)
Item 129	June 10, 2022	(1819838)
Item 130	June 13, 2022	(1835049)
Item 131	July 14, 2022	(1842255)
Item 132	August 08, 2022	(1706891)
Item 133	August 15, 2022	(1848389)
Item 134	September 09, 2022	(1841700)
Item 135	September 20, 2022	(1856185)
Item 136	October 12, 2022	(1862543)
Item 137	October 18, 2022	(1852608)
Item 138	November 10, 2022	(1854929)
Item 139	November 16, 2022	(1869458)
Item 140	November 18, 2022	(1690390)
Item 141	December 13, 2022	(1866247)
Item 142	December 18, 2022	(1875305)
Item 143	January 05, 2023	(1868119)
Item 144	January 17, 2023	(1882127)
Item 145	February 17, 2023	(1868438)
Item 146	February 28, 2023	(1880239)

**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:	03/31/2022	(1819919)	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
2	Date:	06/29/2022	(1823386)	
	Self Report?	NO		Classification: Minor
	Citation:	MRR No. 7(a) PERMIT		
	Description:	Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to provide a written submission for a noncompliance to the regional office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance.		
	Self Report?	NO		Classification: Minor
	Citation:	DSPC No. 3(a) PERMIT		
	Description:	ELMR 1 PERMIT Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly collect flow-weighted composite samples as required by the Water Quality Discharge Permit.		
	Self Report?	NO		Classification: Moderate
	Citation:	PC No. 2(g) PERMIT		
	Description:	Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to prevent the discharge of wastewater or any other waste into or adjacent to water in the state at any location.		
	Self Report?	NO		Classification: Minor

Citation: OT No. 2 PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly complete the discharge monitoring report and report a value of zero (0) based on the minimum analytical level (MAL) provision specified in the Water Quality Discharge Permit.

Self Report? NO Classification: Minor  
Citation: MRR No. 3(b) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to have records readily available for review by a TCEQ representative for a period of three years from the date of the record.

Self Report? NO Classification: Minor  
Citation: MRR 2(a) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to comply with test procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor  
Citation: PC 1(a) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly complete the discharge monitoring report (DMR).

Self Report? NO Classification: Minor  
Citation: PC 1(a) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly complete the discharge monitoring report (DMR).

Self Report? NO Classification: Minor  
Citation: DSPC 2(f) PERMIT  
Description: Failure by TotalEnergies Petrochemical and Refining USA, Inc. to properly calculate the daily average loading.

Self Report? NO Classification: Minor  
Citation: OT 15 PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to maintain a complete logbook for Outfall 007 as required by the Water Quality Discharge Permit.

Self Report? NO Classification: Minor  
Citation: MRR 2(a) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to comply with test procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor  
Citation: DSPC 3(a) PERMIT  
ELMR 1 PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly collect a composite sample as defined by the Water Quality Discharge Permit.

Self Report? NO Classification: Minor  
Citation: OpR 1 PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly operate and maintain units of collection, treatment, and disposal.

Self Report? NO Classification: Minor  
Citation: OpR 1 PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly operate and maintain all units of collection, treatment, and disposal.

Self Report? NO Classification: Minor  
Citation: OpR 11(f) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to have records readily available for review by a TCEQ representative for a period of five years from the date of the record.

Self Report? NO Classification: Minor  
Citation: MRR 2(a) PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to comply with test procedures specified in 30 TAC 319.11 - 319.12.

Self Report? NO Classification: Minor  
Citation: OpR 1 PERMIT  
Description: Failure by TotalEnergies Petrochemicals and Refining USA, Inc. to properly operate and maintain units of collection, treatment, and disposal.

3

Date: 08/26/2022 (1832497)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Special Condition 3 D PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to operate the South Flare at or below 162 parts per million (ppm) Hydrogen Sulfide (H2S) 3-hour average limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below the represented 100 ppm Carbon Monoxide (CO) maintenance, startup and shutdown represented limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3 D PERMIT  
Special Terms and Condition 29 OP  
Special Terms and Conditions 1 A OP

Description: Failure to operate the South Flare at or below 162 parts per million ppm H2S 3-hour average limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3 D PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to operate the South Flare at or below 162 ppm H2S 3-hour average limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11, Attachment B PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below 0.01 lb/MMBtu NOx limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to maintain represented 100 ppm CO limit during planned maintenance activity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3 D PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to operate the South Flare at or below 162 ppm H<sub>2</sub>S 3-hour average limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(ii) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to maintain 0.015 lb/MMBtu NO<sub>x</sub> limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(ii) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to maintain 0.015 lb/MMBtu NO<sub>x</sub> limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate the Unibon Heater below 100 ppm CO limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements (2)(D) PERMIT  
General Requirements (2)(I) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate the Unibon Heater below 0.03 lb/MMBtu NO<sub>x</sub> represented limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3 D PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to operate the Middle Flare at or below 162 ppm H<sub>2</sub>S 3-hour average limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to maintain CO ppm limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(v) PERMIT  
General Terms and Conditions OP

Description: Special Terms and Conditions 29 OP  
 Self Report? Failure to operate at or below its CO ppm limit.  
 NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Requirements 4 (B)(v) PERMIT  
 General Terms and Conditions OP  
 Special Terms and Conditions 29 OP

Description: Failure to operate at or below its CO ppm limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Requirements 4 (B)(v) PERMIT  
 General Terms and Conditions OP  
 Special Terms and Conditions 29 OP

Description: Failure to operate at or below its CO ppm limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 C PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP

Description: Failure to maintain 250 pm SO<sub>2</sub> 12-hour limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 D PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP

Description: Failure to operate the North and South Flares at or below 162 ppm H<sub>2</sub>S 3-hour average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 C PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP

Description: Failure to maintain 250 pm SO<sub>2</sub> 12-hour limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(v) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below its CO ppm limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(v) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below its CO ppm limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(v) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below its CO ppm limit.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGGa 60.592a(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(c)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3 K PERMIT  
Special Conditions 5 D & F PERMIT  
Special Conditions 56 F, 57 F, and 58 F PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to identify and monitor valves, pressure relief valves and components at prescribed intervals and operate without open ended lines.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 11 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate below authorized limits.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 11 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below 0.01 lb/MMBtu NOx limit.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 General Terms and Conditions OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate at or below the represented 0.033 lb/MMBtu NOx limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 D PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate the South Flare at or below 162 ppm H2S 3-hour average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 D PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate the North and South Flares at or below 162 ppm H2S 3-hour average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 11 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate at or below the 0.011 lb/MMBtu CO limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 11 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate at or below the 0.12 lb/MMBtu NOx limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 5 G PERMIT  
 Special Conditions 3C & D PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain 250 ppm SO2 12-hour limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT

General Terms and Conditions OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate at represented 0.03 lb/MMBtu NOx limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 82 A PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to conduct daily monitoring of Carbon Adsorption Systems (CAS).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 16 PERMIT  
 Special Condition 17 PERMIT  
 Special Condition 19 PERMIT  
 Special Condition 69 B.(1)(b) PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate the FCCU Wet Gas Scrubber within the scrubber pressure drop  
 and coke burn rate during start-up activity.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 11 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below 43 ppm NOx limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 D PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate the South Flare at or below 162 ppm H2S 3-hour average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 11 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below 0.011 lb/MMBtu CO limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(4)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 25 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain the 250 ppm SO2 12-hour average limit, and hourly minimum

fire box temperature of 1200 degrees Fahrenheit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 23 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to meet the daily 99.8% sulfur recovery efficiency limit for a 24-hour averages.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
5C THSC Chapter 382 382.085(b)  
General Condition 1 PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate Tank 805 as represented.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15 PERMIT  
Special Condition 16 PERMIT  
Special Condition 17 PERMIT  
Special Condition 19 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate the FCCU Wet Gas Scrubber below the 70 ppm NOx hourly limit, and within the scrubber pressure drop and coke burn rate during a planned shutdown.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.103a(h)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3 D PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to operate the South Flare at or below 162 ppm H2S 3-hour average limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Requirements 4 (B)(v) PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 29 OP

Description: Failure to operate at or below its CO ppm limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions. OP  
Special Condition 4 E PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to conduct monthly sampling of each waste stream entering the wastewater system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain the 250 ppm SO<sub>2</sub> 12-hour average limit and 1.13 lb/hr H<sub>2</sub>S limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions. OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below permitted NO<sub>x</sub> and CO lb/hr limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 25 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below H<sub>2</sub>S lb/hr limit and firebox temperature above 1400 degrees.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below SO<sub>2</sub> and H<sub>2</sub>S lb/hr limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 69 A (1) PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below CO lb/hr and NO<sub>x</sub> lb/MMBtu limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(4)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 24 A PERMIT  
 Special Condition 25 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to prevent unauthorized emissions, operate below 250 ppm SO<sub>2</sub> 12-hour limit, and operate at or above 1400 degrees F minimum temperature.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 52 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to prevent unauthorized VOC emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 52 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to prevent unauthorized VOC emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 52 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to prevent unauthorized VOC emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate below CO lb/hr, CO ppm, and NO<sub>x</sub> lb/MMBtu limits  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

General Condition 1 PERMIT  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate below NOx lb/hr limit and maximum firing rate limit.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 69 A. (1) PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to operate below NOx lb/hr limit.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 25 PERMIT  
Special Condition 3 D PERMIT  
Special Condition 5 G PERMIT  
Special Terms and Conditions 1 A OP  
Special Terms and Conditions 29 OP

Description: Failure to operate below 250 ppm SO2 12-hour average, and maintain firebox temperature of 1400 degrees F, and maintain a daily sulfur efficiency of 99.8 %.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 24 A. PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to prevent unauthorized emissions and control sulfur pit emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 24 A. PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to prevent unauthorized emissions and control sulfur pit emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 24 A. PERMIT  
Special Terms and Conditions 29 OP

Description: Failure to prevent unauthorized emissions and control sulfur pit emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 23 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain 250 ppm 12-hour rolling average and maintain a daily sulfur efficiency of 99.8 %.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 39 A PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to inspect the drift eliminators on the refinery's cooling towers following a unit shutdown.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(e)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 5 F PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to conduct fence line monitoring with a 14-day sampling period.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 5 F PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain a minimum net heating value 270 Btu/scf limit at North and South Flares.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 25 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain the 250 ppm SO<sub>2</sub> 12-hour rolling average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(f)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 25 PERMIT  
 Special Condition 3 D PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain the 250 ppm SO<sub>2</sub> 12-hour rolling average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.780  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1570(a)  
 40 CFR Part 63, Subpart UUU 63.1568(c)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 25 PERMIT  
 Special Condition 3 C PERMIT  
 Special Condition 5 G PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to maintain the 250 ppm SO<sub>2</sub> 12-hour rolling average limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 15 PERMIT  
 Special Condition 16 PERMIT  
 Special Condition 17 PERMIT  
 Special Condition 19 PERMIT  
 Special Condition 69 B.(1)(a) PERMIT  
 Special Condition 69 B.(1)(b) PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate the FCCU Wet Gas Scrubber within its startup permitted ppm concentration, scrubber pressure drop, wet gas particulate rate, and coke burn rate limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.116(a)(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Condition 1 PERMIT  
 General Terms and Conditions OP  
 Special Condition 69 A. (3) PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate at or below the represented 0.033 lb/MMBtu NO<sub>x</sub> limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Requirements (2)(D) PERMIT  
 General Requirements (2)(I) PERMIT  
 General Terms and Conditions OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate the Unibon Heater below 0.03 lb/MMBtu NO<sub>x</sub> represented limit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Description: Special Condition 39D (1) PERMIT  
 Special Terms and Conditions 29 OP  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 3 L PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to monitor individual drains.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 115, SubChapter D 115.354(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGGa 60.592a(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Conditions 56 E, 57 E, & 58 E PERMIT  
 Special Terms and Conditions 1 A OP  
 Special Terms and Conditions 29 OP  
 Description: Failure to operate without open-ended lines.

4 Date: 12/09/2022 (1860602)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.340  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.658(a)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 5 F PERMIT  
 Special Terms and Conditions 29 OP  
 Description: Failure to sample and analyze benzene samples PA 17 (Regular Monitor) and PA 17.0 (Field Blank).

## F. Environmental audits:

Notice of Intent Date: 01/10/2019 (1539757)  
 Disclosure Date: 06/04/2019  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 116, SubChapter F 116.610(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)  
 Rqmt Prov: PERMIT GC No. 1  
 Description: Failure to comply with the nitrogen oxide limit of 0.040 lb/MMBtu at Atmospheric Crude Unit No. 1 Heater H-101.  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)  
 Rqmt Prov: PERMIT GC No. 1

Description: Failure to comply with the nitrogen oxide limit of 0.060 lb/MMBtu at Atmospheric Crude Unit No. 1 Heater H-202A.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)

Rqmt Prov: PERMIT GC No. 1

Description: Failure to comply with the nitrogen oxide limit of 0.060 lb/MMBtu at Atmospheric Crude Unit No. 1 Heater H-202B.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter F 116.610(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)

Rqmt Prov: PERMIT GC No. 1

Description: Failure to comply with the nitrogen oxide limit of 0.030 lb/MMBtu at Vacuum Distillation Unit No. 1 Heater H-301.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter F 116.610(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)

Rqmt Prov: PERMIT GC No. 1

Description: Failure to comply with the nitrogen oxide limit of 0.030 lb/MMBtu at Atmospheric Crude Unit No. 2 Heater H-201.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter F 116.617  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)

Rqmt Prov: PERMIT GC No. 1

Description: Failure to comply with the nitrogen oxide limit of 0.030 lb/MMBtu at Unibon Heater H-301.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.110(a)(2)

30 TAC Chapter 117, SubChapter B 117.145(d)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)(11)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)(12)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)(13)

Rqmt Prov: PERMIT Permit Conditions

Description: Failure to include the correct nitrogen oxide lb/MMBtu limits for six heater in the semiannual CCEM Reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter B 117.110(a)(2)  
30 TAC Chapter 117, SubChapter B 117.145(d)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)(11)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)(12)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)(13)

Description: Failure to include the correct manufacturer, model number, and span value for five units in the semiannual CEMS reports for the listed sources.

Notice of Intent Date: 02/15/2019 (1551213)

Disclosure Date: 08/08/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(f)(1)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(i)

Description: Failure to install, operate, calibrate, and maintain a monitoring system capable of continuously calculating and recording the volumetric flow rate in the flare header or header that feed the flare (North, South, East and Middle flares).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.108a(c)(6)

Rqmt Prov: PERMIT SC 3

Description: Failure to report all discharges to an affected flare in excess of 500,000 scf above baseline in any 24-hour period.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.108a(d)

Description: Failure to review/include required information into Subpart Ja Semiannual Report.

Notice of Intent Date: 04/16/2019 (1558929)

Disclosure Date: 08/02/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)

Rqmt Prov: PERMIT SC 5

Description: Failure to ensure that all flare flowmeters at the North, South, East, and middle flare accurately read low-flow conditions when flaring sweet fuel gas.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(o)(2)(i)

Rqmt Prov: PERMIT SC 5

Description: Failure to develop, implement and submit a Flare Management Plan no later than January 30, 2019.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(h)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(i)

Rqmt Prov: PERMIT SC 5

Description: Failure to include all required information in the semiannual 40 CFR 63 Subpart CC reports submitted for 2017-2018.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(f)

Rqmt Prov: PERMIT SC 5

Description: Failure to submit a Notice of Compliance Status letter within 150 days of February 1, 2016.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.780  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(e)

Rqmt Prov: PERMIT SC 5

Description: Failure to report all deviations in the Semiannual Report for 40 CFR 63, Subpart UUU.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(f)(1)

Description: Failure to include a full copy of the report in the seminannual report for each RATA and stack test performed on a covered unit that is not submitted through CEDRI.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.165  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1575(c)(2)

Description: Failure to ensure that all federal compliance reports are signed by the site Responsible Official.

Notice of Intent Date: 04/16/2019 (1579979)

Disclosure Date: 08/02/2019

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33(d)(1)  
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34(e)  
40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.5  
30 TAC Chapter 335, SubChapter H 335.261

Description: Failure to ensure that universal waste storage area boxes for used lamps are kept closed when not filling.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.15  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failure to review and ensure that procedures and rules for satellite storage in labs are adhered to.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.31

Description: Failure to ensure that several drums of unknown origin or content at the wash pad are properly identified and labeled.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.1(c)(8)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT F 266.70

Description: Failure to prevent the storage of bin on site for more than a year that have potentially recyclable materials.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.30

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.31

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.32

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.33

Description: Failure to ensure good housekeeping and signage at the 90 day storage area.

Notice of Intent Date: 03/09/2020 (1639458)

No DOV Associated

Notice of Intent Date: 03/09/2020 (1639469)

Disclosure Date: 04/12/2021

Viol. Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

Description: Failure to comply with VOC and CO limits at the continuous catalytic reformer based on the DCS not being updated.

Viol. Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)

Description: Failure to comply with the HCl limit at the CCR and report as instances of deviation.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1573(a)(1)(iii)

Description: Failure to correctly calculate the flow rate for the CCR and report as a deviation.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

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

Description: Failure to prevent instances where the residence time in Tanks 1000 and 1001 was below three days and failure to report as a deviation.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

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

Description: Failure to ensure calculations of all fuel gas combustion sources are done as subscribed in 40 CFR 98 and failure to report as a deviation.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

Description: Failure to ensure FCC wet gas scrubber calculations for CO, SO<sub>2</sub> and NO<sub>x</sub> are properly corrected for excess oxygen.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

Description: Failure to properly calculate and comply with wet gas scrubber CO emissions limits from May-December 2019.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

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

Description: Failure to properly calculate the firing rate at the cogeneration unit and report as a deviation.

Notice of Intent Date: 04/23/2020 (1651738)

Disclosure Date: 04/26/2021

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 54(A)

Description: Failure to maintain 98 percent weight VOC destruction efficiency for Benzene Vapor Combustor for Benzene Storage Tank 926.

Notice of Intent Date: 06/30/2020 (1664727)

Disclosure Date: 04/28/2021

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

Rqmt Prov: PERMIT SC and GC 1

Description: Failure to comply with VOC emissions limits for Storage Tanks 921 and 922.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

Rqmt Prov: PERMIT SC 1 & GC 1

Description: Failure to comply with VOC emissions limits for Storage Tank 476.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(3)

Rqmt Prov: PERMIT SC 1 & GC 1

Description: Failure to notify of a change of service in Storage Tank 475.

Notice of Intent Date: 05/31/2022 (1839976)

Disclosure Date: 12/06/2022

Viol. Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: PERMIT SC 96

Description: Failure to include validation requirements for continuous process monitoring parameters at the fluid catalytic cracking unit to demonstrate compliance with 63.1564(b)(4)(i).

Notice of Intent Date: 01/10/2023 (1873218)

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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** BASF TOTAL FINA NAFTA REGION OLEFI

**Reg Entity Add:** ON SH 366 GATE 99 AT INTX N HIGHWAY 366 & H

**Reg Entity City:** PORT ARTHUR

**Reg Entity No:** RN102457520

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**EPA Case No:** 06-2017-3301

**Order Issue Date (yyyymmdd):** 20170314

**Case Result:** Final Order With Penalty

**Statute:** CAA

**Sect of Statute:** 112[R][7]

**Classification:** Minor

**Program:** National Emission Stand

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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**Reg Entity Name:** PORT ARTHUR REFINERY

**Reg Entity Add:** 7600 32ND ST

**Reg Entity City:** GROVES

**Reg Entity No:** RN102457520

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**EPA Case No:** 06-2021-1715

**Order Issue Date (yyyymmdd):** 20210329

**Case Result:**

**Statute:** CWA

**Sect of Statute:** 301/402

**Classification:** Minor

**Program:** NPDES - Base Program

**Citation:**

**Violation Type:** Effluent Limit Violations,Not  
Otherwise Specified

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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**EPA Case No:** 06-2020-3350

**Order Issue Date (yyyymmdd):** 20200526

**Case Result:**

**Statute:** CAA

**Sect of Statute:** 112[R][7]

**Classification:** Moderate

**Program:** Risk Management Progra

**Citation:**

**Violation Type:** Failure to ensure  
performance

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY  
§

## AGREED ORDER DOCKET NO. 2022-0380-AIR-E

### I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refinery located at 7600 32nd Street in Port Arthur, Jefferson 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 \$14,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,700 of the penalty and \$2,850 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, \$5,700 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 on April 14, 2022, the Respondent implemented a new operating procedure for preparing the 17FL-5 Fuel Gas Coalescer for a filter changeout in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371331.

## II. ALLEGATIONS

During a record review for the Plant conducted on February 14, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 46396, N044 and PSDTX1073M2, Special Conditions No. 1, Federal Operating Permit No. O1267, General Terms and Conditions and Special Terms and Conditions No. 29, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 57.11 pounds ("lbs") of nitrogen oxides, 312.57 lbs of carbon monoxide, 1,685.42 lbs of sulfur dioxide, 168.18 lbs of volatile organic compounds, and 0.38 lb of hydrogen sulfide from the North and East Flares, Emissions Point Number FLARECAP, during an emissions event (Incident No. 371331) that began on December 12, 2021 and lasted 12 hours and four minutes. The emissions event occurred when a two-inch fuel gas line at the Reformer Unit was inadvertently left open to the Flare Gas Recovery System after a maintenance activity, 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.

### 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. 2022-0380-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 \$5,700 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. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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

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For the Commission

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Date

  
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For the Executive Director

7/7/2023


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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.

  
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Signature

05/16/2023  
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Date

ARVIN PAUL  
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Name (Printed or typed)  
Authorized Representative of  
TotalEnergies Petrochemicals & Refining USA, Inc.

VP PLATFORM MANAGER  
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Title

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

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

Attachment A  
Docket Number: 2022-0380-AIR-E  
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TotalEnergies Petrochemicals & Refining USA, Inc.
Payable Penalty Amount:	\$11,400
SEP Offset Amount:	\$5,700
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Lighthouse Program</i>
Total Project Budget:	\$5,679,300.00
Location of SEP:	Jefferson County

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

**1. Project Description**

**A. Project**

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

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

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 solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

**B. Environmental Benefit**

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

**C. Minimum Expenditure**

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

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

TotalEnergies Petrochemicals & Refining USA, Inc.  
Docket No. 2022-0380-AIR-E  
Agreed Order - Attachment A

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.