

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0203-AIR-E    **TCEQ ID:** RN100209451    **CASE NO.:** 32602

**RESPONDENT NAME:** Motiva Enterprises LLC

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Port Arthur Refinery, 2100 Houston Avenue, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one pending enforcement actions regarding this facility location, Docket No. 2007-0586-MLM-E</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 9, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799;  Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. Todd Monette, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 19, 2007</p> <p><b>Date of NOE Relating to this Case:</b> February 2, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Two violations were documented.</p> <p><b>AIR</b></p> <p>1) Failed to properly notify the TCEQ Regional Office of a reportable emissions event. Specifically, the emissions event which occurred on November 11, 2006 during a scheduled maintenance activity was not reported within 24 hours of discovery and all the compound descriptive type of all compounds released were not included on the final report [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(A) and (B), 101.201(b)(1)(G) and (H), 122.143(4), Air Permit No. O-1386, General Terms and Conditions and Special Condition 2F and TEXAS HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions of 5,780.1 pounds ("lbs") of Sulfur Dioxide (SO<sub>2</sub>) during a four hour emissions event which occurred at Fluid Catalytic Cracking Unit ("FCCU") Carbon Monoxide ("CO") Boiler bypass stack on November 11, 2006. Since the emissions event was not properly reported, Motiva failed to meet the demonstrations for an affirmative defense 30 TEX. ADMIN. CODE § 101.222(b)(1) [30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7), 122.143(4), Air Permit No. O-1386, General Terms and Conditions and Special Condition 2F, Air Permit No. 8404 Special Condition 9 and TEXAS HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$14,085</p> <p><b>Total Deferred:</b> \$2,817  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$5,634</p> <p><b>Total Paid to General Revenue:</b> \$5,634</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to ensure proper notification of future emission events; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Attachment A  
Docket Number: 2007-0203-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Motiva Enterprises LLC

**Payable Penalty Amount:** Eleven Thousand Two Hundred Sixty-Eight Dollars (\$11,268)

**SEP Amount:** Five Thousand Six Hundred Thirty-Four Dollars (\$5,634)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Jefferson County-Southeast Texas Regional Air Monitoring Network

**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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with the United States Environmental Protection Agency’s recommended “TO-14” list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen’s questions about public health as it related to air quality and will enable TCEQ to identify emission sources.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

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



**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	5-Feb-2007	Screening	8-Feb-2007	EPA Due	5-Nov-2007
	PCW	13-Mar-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Motiva Enterprises LLC		
Reg. Ent. Ref. No.	RN100209451		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	32602	No. of Violations	2
Docket No.	2007-0203-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1*

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement *Subtotals 2, 3, & 7*

Notes: Enhancement for five (5) NOV's with same or similar violations, ten (10) NOV's without same or similar violations, including seven (7) self-reported effluent violations, three (3) 1660 orders and five (5) Findings orders. Reduction for two (2) notices of audit, an environmental management system in place, and participation in a voluntary pollution reduction program.

**Culpability**   Enhancement *Subtotal 4*

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**  Reduction *Subtotal 5*

Before NOV    NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes: The Respondent does not meet Good Faith Effort criteria.

**Total EB Amounts**   Enhancement\* *Subtotal 6*

Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal*

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

*Final Penalty Amount*

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty*

**DEFERRAL**  Reduction *Adjustment*

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 8-Feb-2007

Docket No. 2007-0203-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 32602

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 213%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five (5) NOVs with same or similar violations, ten (10) NOVs without same or similar violations, including seven (7) self-reported effluent violations, three (3) 1660 orders and five (5) Findings orders. Reduction for two (2) notices of audit, an environmental management system in place, and participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 213%

Screening Date 8-Feb-2007

Docket No. 2007-0203-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 32602

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(a)(1)(A) and (B), 101.201(b)(1)(G) and (H), 122.143(4), Air Permit No. O-1386, General Terms and Conditions and Special Condition 2F and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly notify the TCEQ Regional Office of a reportable emissions event. Specifically, the emissions event which occurred on November 11, 2006 during a scheduled maintenance activity was not reported within 24 hours of discovery and all the compound descriptive type of all compounds released were not included on the final report.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes

At least 50% of the rule requirement was met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,000

Two single events are recommended for the intial and the final reports.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$59

Violation Final Penalty Total \$6,260

This violation Final Assessed Penalty (adjusted for limits) \$6,260

## Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC  
**Case ID/No.** 32602  
**Reg. Ent. Reference No.** RN100209451  
**Media** Air Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	12-Nov-2006	15-Jul-2007	0.7	\$50	n/a	\$50
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	12-Nov-2006	15-Jul-2007	0.7	\$8	n/a	\$8

Notes for DELAYED costs

Estimated costs for plant personnel to file a timely emissions event report, and for the implementation of new plant procedures concerning emissions event reporting requirements. Date required is 24 hours after the plant discovered the event and Final Date is the projected date new reporting procedures will be implemented.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,750	<b>TOTAL:</b>	\$59
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Screening Date 8-Feb-2007

Docket No. 2007-0203-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 32602

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and (c)(7), 122.143(4), FOP No. O-1386 General Terms and Conditions and Special Condition 2F, Air Permit No. 8404 Special Condition 9 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 5,780.1 pounds (lbs) of Sulfur Dioxide (SO2) during a four hour emissions event which occurred at Fluid Catalytic Cracking Unit ("FCCU") Carbon Monoxide ("CO") Boiler bypass stack on November 11, 2006. Since the emissions event was not properly reported, Motiva failed to meet the demonstrations for an affirmative defense 30 Tex. Admin. Code 101.222(b)(1).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,825

This violation Final Assessed Penalty (adjusted for limits) \$7,825

## Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC  
**Case ID No.** 32602  
**Reg. Ent. Reference No.** RN100209451  
**Media** Air Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included in that for No. 1.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

## Compliance History

Customer/Respondent/Owner-Operator:	CN600124051	Motiva Enterprises LLC	Classification: AVERAGE	Rating: 1.25
Regulated Entity:	RN100209451	PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 15.03
AIR OPERATING PERMITS		ACCOUNT NUMBER		JE0095D
AIR OPERATING PERMITS		PERMIT		1386
INDUSTRIAL AND HAZARDOUS WASTE GENERATION		EPA ID		TXD008097529
INDUSTRIAL AND HAZARDOUS WASTE GENERATION		SOLID WASTE REGISTRATION # (SWR)		30121
INDUSTRIAL AND HAZARDOUS WASTE STORAGE		PERMIT		50188
WASTEWATER		PERMIT		WQ0000414000
WASTEWATER		PERMIT		TX0005835
PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION		1230079
AIR NEW SOURCE PERMITS		ACCOUNT NUMBER		JE0095D
AIR NEW SOURCE PERMITS		PERMIT		11297
AIR NEW SOURCE PERMITS		PERMIT		11762
AIR NEW SOURCE PERMITS		PERMIT		11777
AIR NEW SOURCE PERMITS		PERMIT		11895
AIR NEW SOURCE PERMITS		PERMIT		12059
AIR NEW SOURCE PERMITS		PERMIT		12117
AIR NEW SOURCE PERMITS		PERMIT		12482
AIR NEW SOURCE PERMITS		PERMIT		13313
AIR NEW SOURCE PERMITS		PERMIT		13358
AIR NEW SOURCE PERMITS		PERMIT		13534
AIR NEW SOURCE PERMITS		PERMIT		13693
AIR NEW SOURCE PERMITS		PERMIT		14363
AIR NEW SOURCE PERMITS		PERMIT		14273
AIR NEW SOURCE PERMITS		PERMIT		14493
AIR NEW SOURCE PERMITS		PERMIT		15403
AIR NEW SOURCE PERMITS		PERMIT		15717
AIR NEW SOURCE PERMITS		PERMIT		16025
AIR NEW SOURCE PERMITS		PERMIT		16221
AIR NEW SOURCE PERMITS		PERMIT		17522
AIR NEW SOURCE PERMITS		PERMIT		54322
AIR NEW SOURCE PERMITS		REGISTRATION		75653
AIR NEW SOURCE PERMITS		REGISTRATION		55797
AIR NEW SOURCE PERMITS		PERMIT		56287
AIR NEW SOURCE PERMITS		PERMIT		52468
AIR NEW SOURCE PERMITS		PERMIT		52429
AIR NEW SOURCE PERMITS		REGISTRATION		75103
AIR NEW SOURCE PERMITS		REGISTRATION		77244
AIR NEW SOURCE PERMITS		REGISTRATION		77320
AIR NEW SOURCE PERMITS		REGISTRATION		77681
AIR NEW SOURCE PERMITS		EPA ID		PSDTX1062
AIR NEW SOURCE PERMITS		REGISTRATION		77922
AIR NEW SOURCE PERMITS		REGISTRATION		26297
AIR NEW SOURCE PERMITS		PERMIT		78358
AIR NEW SOURCE PERMITS		REGISTRATION		78595
AIR NEW SOURCE PERMITS		PERMIT		48503
AIR NEW SOURCE PERMITS		PERMIT		48504
AIR NEW SOURCE PERMITS		PERMIT		48505
AIR NEW SOURCE PERMITS		PERMIT		48506
AIR NEW SOURCE PERMITS		PERMIT		49372
AIR NEW SOURCE PERMITS		PERMIT		49332
AIR NEW SOURCE PERMITS		PERMIT		49333
AIR NEW SOURCE PERMITS		PERMIT		49480
AIR NEW SOURCE PERMITS		PERMIT		49477
AIR NEW SOURCE PERMITS		PERMIT		49478
AIR NEW SOURCE PERMITS		PERMIT		49912
AIR NEW SOURCE PERMITS		PERMIT		50157
AIR NEW SOURCE PERMITS		PERMIT		50158
AIR NEW SOURCE PERMITS		PERMIT		50299
AIR NEW SOURCE PERMITS		PERMIT		791
AIR NEW SOURCE PERMITS		PERMIT		2196
AIR NEW SOURCE PERMITS		PERMIT		3415
AIR NEW SOURCE PERMITS		PERMIT		6056

AIR NEW SOURCE PERMITS	PERMIT	7160
AIR NEW SOURCE PERMITS	PERMIT	7304
AIR NEW SOURCE PERMITS	PERMIT	8210
AIR NEW SOURCE PERMITS	PERMIT	8404
AIR NEW SOURCE PERMITS	PERMIT	9244
AIR NEW SOURCE PERMITS	PERMIT	19672
AIR NEW SOURCE PERMITS	PERMIT	21100
AIR NEW SOURCE PERMITS	PERMIT	21099
AIR NEW SOURCE PERMITS	PERMIT	22061
AIR NEW SOURCE PERMITS	PERMIT	22069
AIR NEW SOURCE PERMITS	PERMIT	23689
AIR NEW SOURCE PERMITS	PERMIT	23943
AIR NEW SOURCE PERMITS	PERMIT	23690
AIR NEW SOURCE PERMITS	PERMIT	24148
AIR NEW SOURCE PERMITS	PERMIT	24417
AIR NEW SOURCE PERMITS	PERMIT	24081
AIR NEW SOURCE PERMITS	PERMIT	24307
AIR NEW SOURCE PERMITS	PERMIT	29244
AIR NEW SOURCE PERMITS	PERMIT	32236
AIR NEW SOURCE PERMITS	PERMIT	31590
AIR NEW SOURCE PERMITS	PERMIT	32853
AIR NEW SOURCE PERMITS	PERMIT	34264
AIR NEW SOURCE PERMITS	PERMIT	34500
AIR NEW SOURCE PERMITS	PERMIT	37624
AIR NEW SOURCE PERMITS	PERMIT	38931
AIR NEW SOURCE PERMITS	PERMIT	39659
AIR NEW SOURCE PERMITS	PERMIT	40494
AIR NEW SOURCE PERMITS	PERMIT	40950
AIR NEW SOURCE PERMITS	PERMIT	41443
AIR NEW SOURCE PERMITS	PERMIT	41820
AIR NEW SOURCE PERMITS	PERMIT	44322
AIR NEW SOURCE PERMITS	PERMIT	44565
AIR NEW SOURCE PERMITS	PERMIT	44691
AIR NEW SOURCE PERMITS	PERMIT	45561
AIR NEW SOURCE PERMITS	PERMIT	45560
AIR NEW SOURCE PERMITS	PERMIT	45545
AIR NEW SOURCE PERMITS	PERMIT	45938
AIR NEW SOURCE PERMITS	PERMIT	45937
AIR NEW SOURCE PERMITS	PERMIT	45936
AIR NEW SOURCE PERMITS	PERMIT	45935
AIR NEW SOURCE PERMITS	PERMIT	45934
AIR NEW SOURCE PERMITS	PERMIT	46015
AIR NEW SOURCE PERMITS	PERMIT	46079
AIR NEW SOURCE PERMITS	PERMIT	46331
AIR NEW SOURCE PERMITS	PERMIT	46330
AIR NEW SOURCE PERMITS	PERMIT	46326
AIR NEW SOURCE PERMITS	PERMIT	46589
AIR NEW SOURCE PERMITS	PERMIT	46958
AIR NEW SOURCE PERMITS	PERMIT	47149
AIR NEW SOURCE PERMITS	PERMIT	47637
AIR NEW SOURCE PERMITS	PERMIT	48153
AIR NEW SOURCE PERMITS	PERMIT	51922
AIR NEW SOURCE PERMITS	AFS NUM	0020
AIR NEW SOURCE PERMITS	REGISTRATION	79194
AIR NEW SOURCE PERMITS	REGISTRATION	79866
AIR NEW SOURCE PERMITS	PERMIT	79866L
AIR NEW SOURCE PERMITS	REGISTRATION	81045
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50188
COMPLIANCE PLANS		
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121

ID Number(s):

Location:

TCEQ Region:

Date Compliance History Prepared:

2100 HOUSTON AVE, PORT ARTHUR, TX, 77640

Rating Date: 9/1/2006 Repeat Violator: NO

REGION 10 - BEAUMONT

February 08, 2007

Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 08, 2002 to February 08, 2007

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

Name: Daniel Siringi Phone: (409) 899-8799

**Site Compliance History Components**

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

**Components (Multimedia) for the Site :**

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/08/2004 ADMINORDER 2002-1272-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: SC9 PERMIT  
Description: Failure to comply with PM10 and NOx emission limits.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: SC9 PERMIT  
Description: Failure to comply with PM10, SO2 and NOx emission limits.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)[G]  
5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to notify regional office no later than 24 hrs after the discovery of an excess opacity event that occurred on 10/10/02.  
Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to comply with the opacity limit of 30% averaged over 6 min period on 10/10/02.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.4  
5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to prevent the discharge of air contaminant with such concentration and duration as to create a nuisance condition in the Port Arthur area during an emissions event.

Effective Date: 04/29/2005 ADMINORDER 2003-1186-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: SC 9 PERMIT  
Description: Failure to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failed to include the compound descriptive type and estimated total quantities of all air contaminants in the final report for an emission event.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: SC 9 PERMIT

Description: Failed to prevent unauthorized emissions which created a nuisance condition.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.7(a)  
30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
30 TAC Chapter 116, SubChapter G 116.721(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8, SC 1 PERMIT  
SC 9, 12, III-1, III-3, VIII-1 PERMIT

Description: Failed to prevent unauthorized emissions, exceeded the H2S content in the fuel gas and did not properly operate pollution control equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
30 TAC Chapter 101, SubChapter F 101.201(b)(9)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on final reports of emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.7(a)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
30 TAC Chapter 116, SubChapter G 116.721(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8, SC 1 PERMIT  
SC 9, 12, III-1, VIII-1 PERMIT

Description: Failed to prevent unauthorized emissions, exceeded the H2S content in the fuel gas and did not properly operate pollution control equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)  
30 TAC Chapter 101, SubChapter A 101.6(b)(6)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the compound descriptive type of contaminants and total estimated quantities for all emissions released on the final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(G)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to create a final record for an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)  
30 TAC Chapter 101, SubChapter F 101.201(b)(6)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the duration, compound descriptive type of contaminants, estimated quantities, and cause on five final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent the unauthorized exceedance of opacity limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

30 TAC Chapter 101, SubChapter F 101.201(b)(9)

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

Description: Failed to include all required information on initial and final reports for two emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)

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

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

Description: Failed to include the cause on 11 final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

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

Description: Failed to include the authorized emission limits on initial reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)[G]

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

Description: Failed to notify the agency of a maintenance event which began on January 30, 2003 which resulted in reportable quantities of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)

30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

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

Description: Failed to include the cause, compound, descriptive type of contaminants, and total estimated quantities on ten final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)

30 TAC Chapter 101, SubChapter A 101.6(b)(4)

30 TAC Chapter 101, SubChapter A 101.6(b)(5)

30 TAC Chapter 101, SubChapter A 101.6(b)(6)

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

Description: Failed to include the cause, duration, compound descriptive type of contaminants, and total estimated quantities on nine final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

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

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

Description: Failed to submit seven initial notifications for reportable emissions events.

Classification: Moderate

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

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

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

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

Description: Failed to include the compound descriptive type of contaminants, the estimated quantities, and the cause on the final report for an emissions event.

Effective Date: 05/24/2003

ADMINORDER 2002-0892-AIR-E

Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: SC10E, 1-2, PERMIT

SC10E, 14 PERMIT

Description: Failure to seal an open ended line on Component 40268.

Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.354(2)[G]

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: SC 10E, 1-2 PERMIT

SC 10E, 14 PERMIT

Description: Failure to monitor 19 components discovered during the March 15 through April 8, 2002 investigation, and failure to monitor 446 components in teh Aklylation Unit during the second quarter of 2001.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 10H PERMIT

Description: Failure to repair two components within 15 days after discovering leaks.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.340  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1-2 PERMIT  
SC 14 PERMIT

Description: Failure to include component 20761 in the Master Equipment List of identification numbers for equipment subject to monitoring requirements.

Effective Date: 06/03/2002

ADMINORDER 2001-1062-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to conduct monthly monitoring of the VOC associated with cooling tower water after discovering a leak.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform daily spans for the CRU4 combined Heater Stack (EPNSCRU4-1) SO2 and NOx CEMS. The CRU4 Heater stack CEMS were not spanned daily on 11/17, 18, 19, 22, 23, 24, 29 & 30, 12/20, 21, 22, & 28, 1999 and 7/18 and 19, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SCIII-9 PERMIT

Description: Failure to maintain the coke moisture at a level of 8.0 percent or greater. The coke moisture was 7.65 on April 13, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SCIV-2B PERMIT

Description: Failure to perform daily spans for the FCCU3 CO Boiler Stack, SO2, CEMS. The SO2 CEMS was not spanned daily on 12/13/99, 7/3, 5, 10 and 11/27, 29, 30 and 12/1, 4, 5, 6 and 27, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC XII-6B PERMIT

Description: Failure to maintain records of repairs and replacements due to H2S leaks at the Sulfur Complex. Beginning 9/2000, the Sulfur Complex began maintaining daily environmental records that indicate if a problem had been found, but do not include repair.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC XII-17 PERMIT

Description: Failure to maintain at least 13 feet of amine product in the charge tanks 1686 (renamed 1898) at any given time. Tank 1898 had a tank level of 12 feet and 7 inches on 1/2/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC XII-22B PERMIT

Description: Failure to perform daily spans on the SO2, CEMS at the Tail Gas Inc. The STGTU1-1 CEMS was not spanned on 10/9, 13, 2000 and the STGTU2-1 CEMS was not spanned on December 27, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SCXIII-5 PERMIT

Description: Failure to maintain a continuous H2S monitoring system for VPS4 fuel gas. SC XIII-5 of Flex Permit 8404 requires your facility to install a continuous H2S monitoring system in a representative portion of the fuel gas system.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart J 60.105(a)(3)(i)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SCXIII-5 PERMIT

Description: Failure to perform daily spans of the H2S CEMS at VPS4 on October 12, 1999 and October 12, and December 28, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain at least 13 ft of amine product in charge tank 1686 at any given time.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform daily spans on the SO2 CEMS at the tall gas incinerator.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain a continuous hydrogen sulfide monitoring system for VPS4 fuel gas.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform daily spans for the applicable CEMS.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the agency w/in 24 hrs after the discovery of an upset at a chlorine cylinder.

Classification: Moderate

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

Description: Unauthorized emissions of chlorine.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hrs after the discovery of a reportable upset and send in a final report no later than 2 wks after the end of the upset at the alkylation unit emergency use only flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with SO2 emission limit. During an upset on 3/2/01, 709 lbs of SO2 were released from the grandfathered Hydrogen Cracking Unit Flare (EPN EHCU)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with NOx, CO and VOC emission limits. During an upset that occurred February 1-5, 2001, 29 lbs of Nox, 213 lbs of CO, and 616 lbs of VOCs were released from the Catalytic Reforming Unit No. 4 emergency use only Flare (EPN ECRU4)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with NOx and CO emission limits. During an upset on 12/5-6/2002, 22 lbs of NOx and 161 lbs of CO were released from the Hydrogen Treatment Unit No. 4 emergency-use-only Flare (EPN EHTU)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and to provide the duration of the upset at the Hydrogen Treating Unit No. 2 with emissions sent to the Hydrogen Cracking Unit Flare (EPN EHCU).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Description: Failure to comply with the VOCs, H2S, NOX, SO2, and CO emission limits. During an upset on 1/21/2001, 2227 lbs of VOCs, 18 lbs of H2S, 114 lbs of NOx 1530 lbs of SO2 and 824 lbs of CO were released to the grandfathered Hydrogen Cracking Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(c)(1)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)  
30 TAC Chapter 101, SubChapter A 101.7(c)(4)  
30 TAC Chapter 101, SubChapter A 101.7(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include in the final record of a non-reportable maintenance activity upset on May 10, 2001, the reason for the maintenance activity, the start time of the maintenance, the duration, the actions to minimize emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC9 PERMIT

Description: Failure to prevent unauthorized emissions 7.92 lbs VOC, 0.32 lb NOx, 2.28 lbs SO2 and 2.29 lbs CO on 5/10/01 from the Hydrogen Treating Unit 4 emergency-use-only Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all required elements in the final record of a non-reportable upset on May 18, 2001 at Tank 1900. The record did not include the actions to correct the upset and minimize the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.478[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions from a pressure relief valve at Tank 1900. This tank operates under permit-by-rule and the pressure relief valve is an unpermitted source. On 5/18 2001, 340 lbs VOC and 2.36 lbs benzene were released.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all required elements in the final record of a nonreportable upset on February 12, 2001 at Tank 1900. The final record did not include the actions to correct the upset and minimize the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.478[G]  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions from a pressure relief valve at Tank 1900. This tank operates under permit-by-rule and the pressure relief valve is an unpermitted source. On 2/12/01, 99.7 lbs VOCs were released.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include in the final record of a non-reportable upste the cause of an upset that occurred on February 10, 2001 at the emergency-use-only ECRU Flare (EPN ECRU 4).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with VOC, NOx, SO2, and CO emission limits. During an upset on 2/10/01, 75 lbs of VOCs, 4 lbs of NOx, 0.006 lbs of SO2 and 28 lbs of CO were released from the emergency-use-only ECRU Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.7(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a copy of the final record to the agency for unauthorized emissions which exceeded the reportable quantity and differed from the original estimate during a maintenance activity on March 12, 2001 at the West Side Gas Plant.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions from Tanks 1243, 1530, 1617, 1850, 1884 and 21602. These tanks operate under Standard Exemption 86 and are non-permitted sources. On 3/12/01, 8046.2 lbs of hydrocarbons were released from these tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the FCCU3 emergency-use-only flare. An upset notification was received on 7/28/2000 at 12:30 pm for an upset which began on 7/24/2000 at 7 am.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with SO2 emission limits. During an upset on July 24-27, 2000, 638.4 lbs of S)2 released from the Fluid Catalytic Cracking Unit No. 3 emergency-use-only Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)  
30 TAC Chapter 101, SubChapter A 101.7(c)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final report of a non-reportable upset the start time of the maintenance and the duration of a maintenance event that resulted in emissions from the grandfathered Hydrogen Cracking Unit on 12/4/00.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 9 PERMIT

Description: Failure to comply with VOC, NOx and CO emission limits. During an upset on December 4, 2000, 0.013 lbs of VOCs, 0.0014 lbs of NOx and 0.0098 lbs of CO were released from the grandfathered Hydrogen Cracking Unit (EPN EHCU)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify the action to minimize emissions in the final record of a maintenance event on Dec 17 2000 that resulted in non-reportable upset emissions to the Alkylation Unit emergency-use-only Flare (EPN FCCU1 and 2).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the NOX and CO emission limits of zero as required.

Effective Date: 03/21/2005

ADMINORDER 2004-0898-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, SC 9 PERMIT

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

Effective Date: 12/15/2005

ADMINORDER 2004-2026-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 8404, SC No. 9 PERMIT

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

Effective Date: 11/06/2005

ADMINORDER 2005-0347-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit 8404, SC No. 9 PERMIT

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

Classification: Moderate

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

Description: Failure to properly notify the Beaumont Regional Office of a reportable emissions event.

Effective Date: 11/11/2004 ADMINORDER 2004-0045-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404 Special Condition 9 PERMIT

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

Classification: Moderate

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

Description: Failure to notify the TCEQ Regional Office no later than 24 hours after the discovery of an excess opacity event.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 11/22/2002 (158333)
- 2 07/29/2002 (5044)
- 3 04/03/2003 (27121)
- 4 05/27/2003 (48708)
- 5 07/18/2002 (2651)
- 6 07/01/2003 (38152)
- 7 12/23/2002 (158337)
- 8 01/03/2003 (19049)
- 9 05/27/2004 (268908)
- 10 01/31/2005 (347748)
- 11 10/13/2003 (248076)
- 12 04/08/2004 (264185)
- 13 05/05/2004 (270556)
- 14 05/22/2006 (459051)
- 15 05/03/2006 (453610)
- 16 01/15/2003 (20157)
- 17 01/24/2006 (439307)
- 18 09/15/2005 (398731)
- 19 08/27/2002 (5075)
- 20 01/22/2003 (158341)
- 21 02/05/2007 (481275)
- 22 07/13/2006 (481868)
- 23 04/03/2003 (27201)
- 24 06/21/2004 (264256)
- 25 11/05/2002 (15578)
- 26 08/25/2006 (466256)
- 27 04/03/2003 (27056)
- 28 12/28/2006 (254143)
- 29 04/27/2005 (340352)
- 30 02/15/2006 (450083)
- 31 12/02/2003 (34076)
- 32 12/12/2003 (254380)
- 33 11/05/2002 (15592)
- 34 02/18/2004 (260152)
- 35 05/25/2004 (267857)
- 36 11/22/2004 (341148)
- 37 11/23/2004 (338625)
- 38 08/28/2003 (28999)
- 39 11/05/2002 (15599)
- 40 07/29/2002 (4988)
- 41 12/02/2005 (418595)
- 42 09/15/2005 (398732)
- 43 09/09/2003 (247671)
- 44 01/09/2006 (438168)

45	04/08/2004	(264558)
46	03/15/2006	(498184)
47	05/25/2004	(267858)
48	04/04/2003	(26233)
49	05/12/2006	(498185)
50	04/08/2002	(IE0000669010001
51	09/15/2005	(398734)
52	07/29/2002	(5026)
53	06/20/2006	(498186)
54	01/09/2006	(438169)
55	08/01/2002	(3684)
56	11/08/2004	(336153)
57	12/13/2004	(343042)
58	03/29/2006	(454264)
59	09/15/2005	(398735)
60	03/28/2006	(454259)
61	11/09/2005	(436494)
62	01/03/2003	(19048)
63	01/09/2006	(438170)
64	07/29/2002	(4999)
65	12/18/2002	(19046)
66	08/23/2005	(399864)
67	02/10/2005	(348671)
68	06/17/2003	(61544)
69	02/18/2004	(295430)
70	03/27/2003	(26230)
71	01/09/2006	(438171)
72	12/31/2003	(258590)
73	04/14/2006	(454439)
74	01/27/2006	(440026)
75	02/22/2005	(381860)
76	01/24/2006	(439304)
77	02/06/2004	(284347)
78	04/08/2004	(264559)
79	01/27/2006	(440027)
80	12/22/2004	(339617)
81	01/09/2006	(438173)
82	02/02/2007	(536089)
83	03/22/2004	(295432)
84	01/27/2006	(440028)
85	02/22/2002	(158301)
86	04/23/2004	(295433)
87	12/11/2003	(252519)
88	08/31/2005	(374623)
89	05/25/2004	(267860)
90	07/07/2004	(272293)
91	07/29/2002	(5037)
92	02/16/2006	(440030)
93	03/28/2006	(454260)
94	01/09/2006	(438174)
95	08/31/2006	(452766)
96	05/22/2003	(295435)
97	12/31/2003	(258591)
98	02/18/2003	(158302)
99	11/08/2004	(336154)
100	12/06/2005	(436191)
101	04/03/2003	(27066)
102	10/13/2003	(248091)
103	05/19/2004	(295436)
104	11/22/2004	(341153)
105	12/02/2005	(435832)
106	12/22/2003	(252520)
107	04/03/2003	(27131)
108	03/18/2002	(158304)
109	06/28/2004	(295438)
110	03/21/2003	(158305)
111	07/23/2003	(40816)
112	08/31/2005	(343681)

113	01/24/2005	(346789)
114	01/09/2006	(438165)
115	06/16/2006	(465963)
116	07/17/2003	(295440)
117	01/06/2003	(19050)
118	07/22/2004	(295441)
119	11/07/2002	(16202)
120	04/02/2004	(249785)
121	02/18/2005	(344919)
122	07/19/2005	(377532)
123	07/29/2002	(4874)
124	07/29/2002	(5072)
125	10/13/2004	(286696)
126	05/20/2005	(381148)
127	10/13/2004	(286697)
128	08/24/2004	(352156)
129	08/18/2003	(295443)
130	10/13/2004	(286698)
131	04/23/2002	(158309)
132	01/12/2006	(437664)
133	08/31/2004	(253278)
134	04/03/2003	(26943)
135	11/08/2004	(336156)
136	04/07/2004	(264561)
137	04/21/2003	(158310)
138	05/20/2005	(381149)
139	03/28/2006	(454262)
140	09/22/2003	(295445)
141	09/20/2004	(352157)
142	05/20/2005	(381150)
143	01/24/2006	(439306)
144	05/19/2003	(31005)
145	07/29/2002	(5079)
146	05/20/2005	(381151)
147	10/27/2003	(295447)
148	08/31/2005	(339481)
149	01/24/2006	(439308)
150	11/20/2003	(295448)
151	07/29/2002	(5004)
152	10/29/2002	(12379)
153	10/20/2004	(352158)
154	12/28/2006	(145783)
155	05/20/2002	(158313)
156	12/23/2003	(295449)
157	07/29/2002	(4820)
158	07/24/2006	(482945)
159	11/03/2006	(516484)
160	01/16/2004	(295451)
161	01/03/2003	(19047)
162	11/19/2004	(352159)
163	03/29/2006	(454263)
164	06/23/2005	(381154)
165	08/18/2006	(520192)
166	04/08/2004	(264246)
167	04/03/2003	(27183)
168	02/14/2003	(19679)
169	12/17/2004	(352160)
170	09/19/2006	(520193)
171	06/19/2002	(158316)
172	07/24/2006	(466418)
173	10/16/2006	(520194)
174	01/22/2003	(18888)
175	01/06/2005	(343526)
176	03/24/2004	(251592)
177	12/30/2003	(256359)
178	09/19/2006	(520195)
179	06/19/2003	(158317)
180	11/14/2006	(512177)

181	03/23/2005	(346655)
182	01/24/2006	(439305)
183	12/28/2006	(267063)
184	11/05/2002	(15594)
185	07/17/2006	(455987)
186	05/16/2006	(464801)
187	04/08/2004	(264233)
188	08/01/2005	(395622)
189	09/20/2004	(352161)
190	10/16/2003	(248607)
191	11/22/2004	(341149)
192	06/24/2005	(419689)
193	04/08/2004	(264250)
194	08/09/2002	(5590)
195	07/22/2002	(158320)
196	04/22/2005	(419690)
197	04/06/2004	(267670)
198	05/23/2005	(419691)
199	12/28/2006	(29038)
200	11/05/2002	(15561)
201	06/21/2005	(419692)
202	11/22/2004	(341150)
203	04/01/2005	(341733)
204	04/22/2005	(419693)
205	08/16/2002	(158323)
206	10/13/2003	(248609)
207	11/08/2004	(336149)
208	10/16/2003	(248083)
209	11/05/2002	(15959)
210	02/07/2006	(437317)
211	12/30/2003	(256360)
212	04/07/2004	(264562)
213	01/09/2006	(438161)
214	11/22/2004	(341152)
215	08/01/2005	(395623)
216	09/20/2002	(158326)
217	08/31/2006	(437272)
218	06/30/2005	(381062)
219	02/22/2006	(468420)
220	12/30/2003	(256361)
221	10/29/2002	(12376)
222	08/19/2005	(440827)
223	04/13/2006	(468421)
224	01/09/2006	(438167)
225	01/09/2006	(438163)
226	09/23/2005	(440828)
227	12/28/2006	(26423)
228	04/13/2006	(468422)
229	08/01/2002	(5527)
230	10/21/2002	(158329)
231	07/29/2002	(5018)
232	04/01/2005	(341734)
233	10/24/2005	(440829)
234	11/18/2005	(468423)
235	04/08/2004	(264242)
236	09/23/2005	(440830)
237	12/13/2004	(343131)
238	12/27/2005	(468424)
239	05/16/2006	(464788)
240	12/28/2006	(340489)
241	08/26/2002	(6828)
242	04/06/2004	(267580)
243	05/22/2002	(392418)
244	08/31/2006	(437238)

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

Date: 05/19/2003 (31005)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]  
 Rqmt Prov: OP 414-000  
 Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]  
 Rqmt Prov: OP 414-000  
 Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Rqmt Prov: OP 414-000  
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Rqmt Prov: OP 414-000  
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Rqmt Prov: OP 414-000  
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 Rqmt Prov: OP 414-000  
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 05/22/2002 (392418)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/28/2005 (371586)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT 8404, SC XII-13  
 Description: Failure to maintain the SO2 concentration below the maximum allowable limit.

Date: 07/24/2003 (40816)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.223(e)  
 Description: Failure to submit daily source cap limit exceedance reports.

Date: 04/17/2006 (454439)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.  
 Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

Date: 02/10/2005 (348671)

Self Report? NO Classification: Minor  
 Rqmt Prov: PERMIT OpR 1  
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor  
 Rqmt Prov: PERMIT OpR 1  
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 01/31/2004 (295430)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (381860)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (295435)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/20/2005 (344919)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.222(3)  
 30 TAC Chapter 115, SubChapter C 115.242(4)  
 Description: Failure to ensure no gasoline leaks exist anywhere on the dispensing equipment  
 or vapor recovery system.

Date: 04/30/2002 (158313)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/23/2003 (252520)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to create a final record of a non-reportable emission event at SRU3.

Self Report? NO Classification: Moderate  
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
 Description: Failure to maintain an emission rate below the allowable emission limit.

Date: 07/31/2006 (520192)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (440830)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (468422)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 11/03/2006 (531086)  
 No DOV Associated

Notice of Intent Date: 12/15/2006 (536667)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

Type	Tier	Certification Date
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30 TAC CERTIFIED

BASIC

05/10/2006

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type

Tier

Certification Date

CLEAN TEXAS  
PROGRAM

LEADER

05/10/2006

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MOTIVA ENTERPRISES LLC  
RN100209451**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0203-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("Motiva") 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 Motiva appear before the Commission and together stipulate that:

1. Motiva owns and operates a petroleum refinery at 2100 Houston Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Motiva agree that the Commission has jurisdiction to enter this Agreed Order, and that Motiva is subject to the Commission's jurisdiction.
4. Motiva received notice of the violations alleged in Section II ("Allegations") on or about February 7, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Motiva of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Eighty-Five Dollars (\$14,085) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Motiva has paid Five Thousand Six Hundred Thirty-Four Dollars (\$5,634) of the administrative penalty and Two Thousand Eight Hundred Seventeen Dollars (\$2,817) is deferred contingent upon Motiva's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Motiva fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Motiva to pay all or part of the deferred penalty. Five Thousand Six Hundred Thirty-



Four Dollars (\$5,634) shall be conditionally offset by Motiva's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Motiva have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Motiva has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Motiva is alleged to have:

1. Failed to properly notify the TCEQ Regional Office of a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(A) and (B), 101.201(b)(1)(G) and (H), 122.143(4), Air Permit No. O-1386, General Terms and Conditions and Special Condition 2F and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on January 19, 2007. Specifically, the emissions event which occurred on November 11, 2006 during a scheduled maintenance activity was not reported within 24 hours of discovery and all the compound descriptive type of all compounds released were not included on the final report.
2. Failed to prevent unauthorized emissions of 5,780.1 pounds ("lbs") of Sulfur Dioxide (SO<sub>2</sub>) during a four hour emissions event which occurred at Fluid Catalytic Cracking Unit ("FCCU") Carbon Monoxide ("CO") Boiler bypass stack on November 11, 2006, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7), 122.143(4), Air Permit No. O-1386, General Terms and Conditions and Special Condition 2F, Air Permit No. 8404 Special Condition 9 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 19, 2007. Since the emissions event was not properly reported, Motiva failed to meet the demonstrations for an affirmative defense 30 TEX. ADMIN. CODE § 101.222(b)(1).

## III. DENIALS

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

## IV. ORDERING PROVISIONS



1. It is, therefore, ordered by the TCEQ that Motiva pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Motiva's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2007-0203-AIR-E" to:

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

2. Motiva shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Five Thousand Six Hundred Thirty-Four Dollars (\$5,634) of the assessed administrative penalty shall be offset with the condition that Motiva implement the SEP defined in Attachment A, incorporated herein by reference. Motiva's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that Motiva shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to ensure proper notification of future emission events; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:



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

4. The provisions of this Agreed Order shall apply to and be binding upon Motiva. Motiva is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Motiva fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Motiva's failure to comply is not a violation of this Agreed Order. Motiva shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Motiva shall notify the Executive Director within seven days after Motiva becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Motiva shall be made in writing to the Executive Director. Extensions are not effective until Motiva receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Motiva in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Motiva, or three days after the date on which the Commission mails notice of the Order to Motiva, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Sollen  
For the Executive Director

9/7/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Todd Monette  
Signature

5/1/07  
Date

Todd Monette  
Name (Printed or typed)  
Authorized Representative of  
Motiva Enterprises LLC

General Manager  
Title

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



**Attachment A**  
**Docket Number: 2007-0203-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Motiva Enterprises LLC</b>
<b>Payable Penalty Amount:</b>	<b>Eleven Thousand Two Hundred Sixty-Eight Dollars (\$11,268)</b>
<b>SEP Amount:</b>	<b>Five Thousand Six Hundred Thirty-Four Dollars (\$5,634)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Jefferson County-Southeast Texas Regional Air Monitoring Network</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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 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 Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to install, operate, and maintain a stationary ambient air monitoring station in the vicinity of Memorial High School Ninth Grade Campus. The station will employ canister sampling, a hydrocarbon analyzer, and/or a chromatograph. Ancillary equipment will include a sample conditioning system, a ten meter meteorological tower, a climate controlled equipment shelter, a remote communications system, and have electronic data logging capabilities. The station will continuously sample and analyze the ambient air for a wide range of hydrocarbon species in accordance with the United States Environmental Protection Agency’s recommended “TO-14” list. SEP monies will be used for the cost of purchasing, installing, operating, and maintaining the air monitoring station along with its ancillary equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by offering continuous assessment of ambient air quality in a sensitive area of Port Arthur that is not currently covered by existing ambient air monitoring stations. Monitoring this area of the community will help the TCEQ and local government better respond to citizen’s questions about public health as it related to air quality and will enable TCEQ to identify emission sources.



C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient 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 Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

The Honorable Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

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

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

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

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



**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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

