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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-0392-AIR-E **TCEQ ID:** RN100210608 **CASE NO.:** 32935  
**RESPONDENT NAME:** Marathon Petroleum Company LLC

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>  |   |  |
| <input type="checkbox"/> 1660 AGREED ORDER  | <input checked="" 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> Marathon Petroleum - Texas City Refinery, 502 10th Street South, Texas City, Galveston 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 no record of additional pending enforcement actions regarding this facility location.</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 August 27, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468<br/> <b>Respondent:</b> Ms. Paula Bremer, Environmental Coordinator, Marathon Petroleum Company LLC, 502 10th Street South, Texas City, Texas 77590<br/> Ms. Constance G. Bradley, Division Manager, Marathon Petroleum Company LLC, 502 10th Street South, Texas City, Texas 77590<br/> <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><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigations Relating to this Case:</b> January 29, 2007, March 2, 2007, and March 9, 2007</p> <p><b>Date of NOEs Relating to this Case:</b> March 6, 2007, March 20, 2007, and April 14, 2007 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failure to prevent unauthorized emissions on November 29, 2006. Since the emissions event was avoidable, Marathon failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 22433, Special Condition No. 1].</p> <p>2) Failure to include the permit number in the final report for the emissions event that occurred on November 29, 2006 [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to prevent unauthorized emissions on December 11, 2006. Since the emissions event was avoidable Marathon failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 22433, Special Condition No. 1].</p> <p>4) Failure to include the permit number in the final report for the emissions event that occurred on December 11, 2006 [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX.</p> | <p><b>Total Assessed:</b> \$30,696</p> <p><b>Total Deferred:</b> \$0<br/> <input type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$30,696</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <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>Findings Orders Justification:</b></p> <p>This is a Findings Order because the amount of pollutants exceeded levels that are protective to human health and environmental receptors.</p> | <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on November 29, 2006, December 11, 2006, and January 26, 2007; and</p> <p>ii. Develop and implement procedures to ensure proper notification of future emissions events.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provisions a.i. and a.ii. The certification shall include detailed supporting documentation including receipts, monitoring records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public.</p> |

|  |  |  |
|--|--|--|
| <p>HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failure to prevent unauthorized emissions on January 26, 2007. Since the emissions event was avoidable Marathon failed to meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 22433, Special Condition No. 1].</p> <p>6) Failure to include permit number in the final report for the emissions event that occurred on January 26, 2007 [30 TEX. ADMIN. CODE §101.201(b)(1)(H) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> |  |  |
|--|--|--|





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

**TCEQ**

|       |          |             |           |            |         |  |
|-------|----------|-------------|-----------|------------|---------|--|
| DATES | Assigned | 12-Mar-2007 | Screening | 4-Apr-2007 | EPA Due |  |
|       | PCW      | 20-Apr-2007 |           |            |         |  |

|  |                                |                    |       |
|--|--------------------------------|--------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                |                    |       |
| Respondent                             | Marathon Petroleum Company LLC |                    |       |
| Reg. Ent. Ref. No.                     | RN100210608                    |                    |       |
| Facility/Site Region                   | 12-Houston                     | Major/Minor Source | Major |

|                         |                 |                   |                   |
|-------------------------|-----------------|-------------------|-------------------|
| <b>CASE INFORMATION</b> |                 |                   |                   |
| Enf./Case ID No.        | 32935           | No. of Violations | 6                 |
| Docket No.              | 2007-0392-AIR-E | Order Type        | Findings          |
| Media Program(s)        | Air             | Enf. Coordinator  | Roshondra Lowe    |
| 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** **Subtotals 2, 3, & 7**

132% Enhancement

Notes

Penalty was enhanced due to four NOV's for same or similar violation, six NOV's issued for unrelated issues, ten unrelated effluent discharge violations, and four 1660-style Agreed Orders with a denial of liability.

**Culpability**

No

0% Enhancement

**Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**

0% Reduction

**Subtotal 5**

Before NOV      NOV to EDPRP/Settlement Offer

|               |   |               |
|---------------|---|---------------|
| Extraordinary |   |               |
| Ordinary      |   |               |
| N/A           | X | (mark with x) |

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

**Subtotal 6**

|                            |         |
|----------------------------|---------|
| Total EB Amounts           | \$474   |
| Approx. Cost of Compliance | \$9,750 |

\*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**

0%

Reduction

**Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date: 4-Apr-2007

Docket No.: 2007-0392-AIR-E

PCW

Respondent: Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No.: 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No.: RN100210608

Media [Statute]: Air

Enf. Coordinator: Roshondra Lowe

### 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)  | 4                 | 20%     |
|                               | Other written NOVs   | 16                | 32%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 4                 | 80%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments 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)              | 0                 | 0%      |
|                               | 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   | 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) 132%

>> 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

Penalty was enhanced due to four NOVs for same or similar violation, six NOVs issued for unrelated issues, ten unrelated effluent discharge violations, and four 1660-style Agreed Orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 132%

Screening Date 4-Apr-2007

Docket No. 2007-0392-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 22433, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 66.3 pounds ("lbs") of benzene, 5,986.4 lbs of crude oil, 226.8 lbs of cyclohexane, 4.8 lbs of ethylbenzene, 513.2 lbs of n-hexane, 0.1 lb of naphthalene, 88.0 lbs of toluene, 4.3 lbs of 1,2,4-trimethylbenzene, and 34.6 lbs of m-xylene were released into the atmosphere due to an oil leak through the open roof drains, roof legs, and the lifted tank seals of tanks 513 and 520. The emissions event which occurred on November 29, 2006, lasted seven hours. Since the emissions event was avoidable Marathon failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | x        |       |
| Potential |       |          |       |

Percent 50%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$151

Violation Final Penalty Total \$11,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Marathon Petroleum Company LLC  
**Case ID No.** 32935  
**Reg. Ent. Reference No.** RN100210608  
**Media** Air  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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)        | \$3,000 | 29-Nov-2006 | 1-Dec-2007 | 1.0 | \$151 | n/a | \$151 |

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that tanks' contents do not leak onto the ground and emit to the atmosphere. Date required is date of violation. Final date based on projected date corrective actions will be completed.

### 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 | \$3,000 | <b>TOTAL</b> | \$151 |
|----------------------------|---------|--------------|-------|

Screening Date 4-Apr-2007

Docket No. 2007-0392-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include the permit number in the final report for the emissions event that occurred on November 29, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          | X     | 1%      |

Matrix Notes Less than 30 percent of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$232

This violation Final Assessed Penalty (adjusted for limits) \$232

## Economic Benefit Worksheet

**Respondent** Marathon Petroleum Company LLC  
**Case ID No.** 32935  
**Reg. Ent. Reference No.** RN100210608  
**Media** Air  
**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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <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 | 29-Nov-2006 | 1-Dec-2007 | 1.0 | \$75 | n/a | \$75 |
| Remediation/Disposal     |         |             |            | 0.0 | \$0  | n/a | \$0  |
| Permit Costs             |         |             |            | 0.0 | \$0  | n/a | \$0  |
| Other (as needed)        | \$250   | 29-Nov-2006 | 1-Dec-2007 | 1.0 | \$13 | n/a | \$13 |

Notes for DELAYED costs

Estimated cost for plant personnel to file a timely and accurate 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> | \$88 |
|----------------------------|---------|--------------|------|

Screening Date 4-Apr-2007

Docket No. 2007-0392-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 22433, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 46.4 pounds ("lbs") of benzene, 4,190.5 lbs of crude oil, 158.8 lbs of cyclohexane, 3.4 lbs of ethylbenzene, 359.2 lbs of n-hexane, 0.1 lb of naphthalene, 61.6 lbs of toluene, 3.0 lbs of 1,2,4-trimethylbenzene, and 24.2 lbs of m-xylene were released into the atmosphere due to oil escaping through a tank roof leg and onto the tank. The emissions event which occurred on December 11, 2006, lasted eight hours and thirty minutes. Since the emissions event was avoidable Marathon failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | X        |       |
| Potential |       |          |       |

Percent 50%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | monthly      |   |
|                            | quarterly    |   |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event | X |

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$11,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Marathon Petroleum Company LLC  
**Case ID No.** 32935  
**Reg. Ent. Reference No.** RN100210608  
**Media** Air  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 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        |  |  |  | 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

Screening Date 4-Apr-2007

Docket No. 2007-0392-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include the permit number in the final report for the emissions event that occurred on December 11, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Harm  |          |       | Percent |
|---------------|-------|----------|-------|---------|
|               | Major | Moderate | Minor |         |
|               |       |          | X     | 1%      |

Matrix Notes: Less than 30 percent of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$232

This violation Final Assessed Penalty (adjusted for limits) \$232

## Economic Benefit Worksheet

**Respondent** Marathon Petroleum Company LLC  
**Case ID No.** 32935  
**Reg. Ent. Reference No.** RN100210608  
**Media** Air  
**Violation No.** 4

|                         |                              |
|-------------------------|------------------------------|
| <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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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. 2.

### 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

Screening Date 4-Apr-2007

Docket No. 2007-0392-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 22433, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 687.18 pounds ("lbs") of propene, 3,378.42 lbs of N-butane, 4,915.84 lbs of isobutane, 677.14 lbs of propane, 5,107.35.2 lbs of isopentane, 754.15 lbs of N-pentane, 160.27 lbs of pentene, 2,435.42 lbs of isohexane, 1,785.51 lbs of butene, 1,875.12 lbs of isobutene, 1,814.33 lbs of cis-2-butene, and 2,324.19 lbs of trans-2-butene were released into the atmosphere due to the failure to prevent the bulldozer from striking a liquefied petroleum gas line. The emissions event which occurred on January 26, 2007, lasted one hour and thirty-eight minutes. Since the emissions event was avoidable Marathon failed to meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    | x     |          |       |
| Potential |       |          |       |

Percent 100%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

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 \$10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$235

Violation Final Penalty Total \$23,200

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Marathon Petroleum Company LLC

**Case ID No.** 32935

**Reg. Ent. Reference No.** RN100210608

**Media** Air

**Violation No.** 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 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        |         |             |            | 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)        | \$5,000 | 26-Jan-2007 | 4-Jan-2008 | 0.9 | \$235 | n/a | \$235 |

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that liquefied petroleum gas (LPG) lines are not struck again by a digging equipment such as a bulldozer. Date required is date of violation. Final date based on date corrective actions will be completed.

### 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

\$5,000

**TOTAL**

\$235

Screening Date 4-Apr-2007

Docket No. 2007-0392-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 32935

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include permit number in the final report for the emissions event that occurred on January 26, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Matrix Notes  | Falsification |          |       |  | Percent |
|---|---------------|----------|-------|--|---------|
|   | Major         | Moderate | Minor |  |         |
|   |               |          | x     |  | 1%      |
| Less than 30 percent of the rule requirement was not met. |               |          |       |  |         |

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$232

This violation Final Assessed Penalty (adjusted for limits) \$232

## Economic Benefit Worksheet

**Respondent** Marathon Petroleum Company LLC  
**Case ID No.** 32935  
**Reg. Ent. Reference No.** RN100210608  
**Media** Air  
**Violation No.** 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 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        |  |  |  | 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. 2 and 4.

### 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: | CN600244933 | Marathon Petroleum Company LLC              | Classification: AVERAGE | Rating: 5.50      |
| Regulated Entity:                   | RN100210608 | MARATHON PETROLEUM - TEXAS<br>CITY REFINERY | Classification: AVERAGE | Site Rating: 3.08 |

|               |  |                                     |              |
|---------------|--|-------------------------------------|--------------|
| ID Number(s): | AIR OPERATING PERMITS                        | ACCOUNT NUMBER                      | GB0055R      |
|               | AIR OPERATING PERMITS                        | PERMIT                              | 1380         |
|               | WASTEWATER                                   | PERMIT                              | WQ0000990000 |
|               | WASTEWATER                                   | PERMIT                              | TX0003697    |
|               | WASTEWATER                                   | EPA ID                              | TX0003697    |
|               | INDUSTRIAL AND HAZARDOUS WASTE<br>GENERATION | EPA ID                              | TXD008079501 |
|               | INDUSTRIAL AND HAZARDOUS WASTE<br>GENERATION | SOLID WASTE REGISTRATION #<br>(SWR) | 30326        |
|               | INDUSTRIAL AND HAZARDOUS WASTE<br>STORAGE    | PERMIT                              | 50046        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 856          |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 1131         |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 1590         |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 2439         |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 2682         |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 5909         |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 8025         |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 22433        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 23463        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 23992        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 25362        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 24859        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 25194        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 29218        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 30994        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 30167        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 33178        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 37749        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 39496        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 40024        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 40196        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 43341        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 43716        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 44852        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 45826        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 46198        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 46373        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 46661        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 47099        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 47365        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 48473        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 49937        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 49938        |
|               | AIR NEW SOURCE PERMITS                       | ACCOUNT NUMBER                      | GB0055R      |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 53769        |
|               | AIR NEW SOURCE PERMITS                       | EPA ID                              | PSDTX241M1   |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 55490        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 55858        |
|               | AIR NEW SOURCE PERMITS                       | AFS NUM                             | 4816700005   |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 70101        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 71874        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 75398        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 75450        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 71646        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 71657        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 71726        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 53928        |
|               | AIR NEW SOURCE PERMITS                       | PERMIT                              | 55772        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 72692        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 73796        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 73969        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 74728        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 74818        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 74945        |
|               | AIR NEW SOURCE PERMITS                       | REGISTRATION                        | 75175        |

|                        |                                     |       |
|------------------------|-------------------------------------|-------|
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 76492 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 76493 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 76488 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 76490 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 76534 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 77226 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 77262 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 77621 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 77649 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 78505 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 78497 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 79106 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 79503 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 79948 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 80298 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 80401 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 80523 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 80562 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 80565 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 80319 |
| AIR NEW SOURCE PERMITS | REGISTRATION                        | 81019 |
| IHW CORRECTIVE ACTION  | SOLID WASTE REGISTRATION #<br>(SWR) | 30326 |

Location: 502 10TH ST S, TEXAS CITY, TX, 77590 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 12, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 12, 2002 to March 12, 2007

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

Name: Roshonda Lowe Phone: (713) 767-3553

**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: 02/17/2003 ADMINORDER 2001-0575-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4  
30 TAC Chapter 115, SubChapter B 115.142(1)(G)

Description: Leaking hatches.

Classification: Moderate

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

Description: Contributing to a condition of air pollution. 2nd screening.

Effective Date: 07/30/2004 ADMINORDER 2003-1126-IWD-E

Classification: Moderate

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

Rqmt Prov: effluent limits PERMIT

Description: Failed to comply with its permitted effluent quality limitations.

Effective Date: 11/06/2005 ADMINORDER 2005-0169-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.222(G)  
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: No. 22433 Special Condition #1, PERMIT

Description: Failed to prevent unauthorized emissions of 688 pounds (lbs) of Volatile Organic Compounds ("VOCs") during an emissions event on August 19, 2003 that lasted 3 hours and 15 minutes.

Effective Date: 03/23/2006

ADMINORDER 2005-1492-AIR-E

Classification: Moderate

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

Rqmt Prov: Application Representations PERMIT

Description: Failed to comply with permitted emissions limits.

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   | 03/14/2002 | (101875) |
| N/A |            |          |
| 2   | 03/22/2002 | (156787) |
| 3   | 04/18/2002 | (101876) |
| 4   | 04/22/2002 | (156792) |
| 5   | 05/22/2002 | (156796) |
| 6   | 06/13/2002 | (1969)   |
| 7   | 06/24/2002 | (156800) |
| 8   | 07/23/2002 | (5116)   |
| 9   | 07/23/2002 | (156804) |
| 10  | 08/23/2002 | (156807) |
| 11  | 08/31/2002 | (10249)  |
| 12  | 08/31/2002 | (9427)   |
| 13  | 08/31/2002 | (10431)  |
| 14  | 09/23/2002 | (156810) |
| 15  | 10/21/2002 | (156813) |
| 16  | 11/19/2002 | (156817) |
| 17  | 11/21/2002 | (246503) |
| 18  | 12/16/2002 | (14374)  |
| 19  | 12/30/2002 | (156821) |
| 20  | 01/24/2003 | (156825) |
| 21  | 02/05/2003 | (17431)  |
| 22  | 02/24/2003 | (156785) |
| 23  | 03/21/2003 | (156788) |
| 24  | 04/01/2003 | (285504) |
| 25  | 04/22/2003 | (156793) |
| 26  | 04/22/2003 | (25197)  |
| 27  | 05/11/2003 | (29946)  |
| 28  | 05/21/2003 | (156797) |
| 29  | 06/18/2003 | (35687)  |
| 30  | 06/24/2003 | (156801) |
| 31  | 07/21/2003 | (61047)  |
| 32  | 07/22/2003 | (294821) |
| 33  | 08/06/2003 | (143969) |
| 34  | 08/06/2003 | (143938) |
| 35  | 08/25/2003 | (294823) |
| 36  | 09/15/2003 | (247924) |
| 37  | 09/23/2003 | (294825) |
| 38  | 09/29/2003 | (250019) |
| 39  | 10/23/2003 | (294827) |
| 40  | 11/24/2003 | (294828) |
| 41  | 12/29/2003 | (294829) |
| 42  | 01/23/2004 | (294831) |
| 43  | 02/04/2004 | (256542) |
| 44  | 02/04/2004 | (256690) |
| 45  | 02/23/2004 | (294811) |
| 46  | 03/02/2004 | (261733) |
| 47  | 03/16/2004 | (261731) |
| 48  | 03/19/2004 | (294813) |

|     |            |          |
|-----|------------|----------|
| 49  | 04/20/2004 | (294814) |
| 50  | 05/20/2004 | (294817) |
| 51  | 05/26/2004 | (267570) |
| 52  | 05/26/2004 | (269839) |
| 53  | 05/26/2004 | (273619) |
| 54  | 06/02/2004 | (272105) |
| 55  | 06/02/2004 | (271819) |
| 56  | 06/02/2004 | (271954) |
| 57  | 06/21/2004 | (294819) |
| 58  | 07/20/2004 | (351878) |
| 59  | 08/13/2004 | (280051) |
| 60  | 08/16/2004 | (280171) |
| 61  | 08/20/2004 | (351879) |
| 62  | 09/20/2004 | (351880) |
| 63  | 10/20/2004 | (351881) |
| 64  | 10/29/2004 | (335392) |
| 65  | 11/22/2004 | (351882) |
| 66  | 12/09/2004 | (339149) |
| 67  | 12/09/2004 | (339135) |
| 68  | 12/09/2004 | (339203) |
| 69  | 12/09/2004 | (339144) |
| 70  | 12/10/2004 | (281540) |
| 71  | 12/13/2004 | (342701) |
| 72  | 12/13/2004 | (342718) |
| 73  | 12/13/2004 | (342731) |
| 74  | 12/14/2004 | (342649) |
| 75  | 12/16/2004 | (340525) |
| 76  | 12/16/2004 | (340520) |
| 77  | 12/16/2004 | (339543) |
| 78  | 12/16/2004 | (339182) |
| 79  | 12/20/2004 | (339190) |
| 80  | 12/20/2004 | (339157) |
| 81  | 12/20/2004 | (381741) |
| 82  | 12/20/2004 | (339186) |
| 83  | 12/29/2004 | (342522) |
| 84  | 01/07/2005 | (342662) |
| 85  | 01/07/2005 | (342831) |
| 86  | 01/10/2005 | (255901) |
| 87  | 01/14/2005 | (345722) |
| 88  | 01/14/2005 | (334535) |
| 89  | 01/20/2005 | (381742) |
| 90  | 01/23/2005 | (342642) |
| 91  | 02/17/2005 | (381740) |
| 92  | 03/21/2005 | (419564) |
| 93  | 04/07/2005 | (347815) |
| 94  | 04/20/2005 | (419565) |
| 95  | 05/20/2005 | (419566) |
| 96  | 05/23/2005 | (348515) |
| 97  | 06/21/2005 | (419567) |
| 98  | 07/15/2005 | (377760) |
| 99  | 07/21/2005 | (440696) |
| 100 | 07/28/2005 | (401759) |
| 101 | 07/29/2005 | (401909) |
| 102 | 08/02/2005 | (402183) |
| 103 | 08/05/2005 | (403737) |
| 104 | 08/05/2005 | (403229) |
| 105 | 08/10/2005 | (397000) |
| 106 | 08/11/2005 | (404843) |
| 107 | 08/12/2005 | (399679) |
| 108 | 08/17/2005 | (405483) |
| 109 | 08/18/2005 | (405650) |
| 110 | 08/18/2005 | (405239) |
| 111 | 08/22/2005 | (400565) |
| 112 | 08/23/2005 | (440697) |
| 113 | 08/29/2005 | (346080) |
| 114 | 08/29/2005 | (406782) |
| 115 | 09/21/2005 | (440698) |
| 116 | 10/24/2005 | (468214) |

117 12/27/2005 (468216)

118 01/02/2006 (439868)

119 01/24/2006 (468218)

120 02/24/2006 (468212)

121 03/15/2006 (456245)

122 03/23/2006 (468213)

123 03/24/2006 (453148)

124 04/03/2006 (468215)

125 04/24/2006 (498058)

126 05/22/2006 (498059)

127 06/23/2006 (498060)

128 07/14/2006 (484513)

129 07/24/2006 (520074)

130 08/22/2006 (520075)

131 09/18/2006 (530966)

132 09/25/2006 (520076)

133 10/19/2006 (516360)

134 10/25/2006 (516362)

135 02/02/2007 (512535)

136 02/23/2007 (533477)

137 02/26/2007 (538339)

138 03/05/2007 (536010)

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

|              |   |          |                |          |
|--------------|---|----------|----------------|----------|
| Date         | 10/31/2002  | (156817) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]                    |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |          |                |          |
| Date         | 11/21/2002  | (246503) |                |          |
| 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  |          |                |          |
| 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         | 12/31/2002  | (156825) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]                    |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |          |                |          |
| Date         | 01/16/2003  | (14374)  |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter F 101.222(b)(3)<br>30 TAC Chapter 116, SubChapter B 116.115(c) |          |                |          |
| Description: | Failure to control emissions.   |          |                |          |
| Date         | 01/31/2003  | (156785) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]                    |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |          |                |          |
| Date         | 03/31/2003  | (156793) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]                    |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |          |                |          |
| Date         | 07/21/2003  | (61047)  |                |          |
| Self Report? | NO  |          | Classification | Major    |
| Citation:    | 30 TAC Chapter 116, SubChapter G 116.721(a)   |          |                |          |
| Description: | Failure to obtain flexible permit amendment for a change in method of controlling emissions.  |          |                |          |
| Date         | 08/31/2003  | (294825) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]                    |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter                                    |          |                |          |

|              |   |          |                |          |
|--------------|---|----------|----------------|----------|
| Date         | 03/18/2004  | (261731) |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(2)<br>30 TAC Chapter 115, SubChapter D 115.352(4)<br>30 TAC Chapter 116, SubChapter G 116.715(a)<br>40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)        |          |                |          |
| Rqmt Prov:   | PA 22433, SC 9E   |          |                |          |
| Description: | Marathon Ashland Petroleum failed to cap or plug valve nos., 140757, 140760, 140772, 140725, and 140730. All the valves were in VOC service and without the required cap or plug                                |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.355(1)<br>40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)   |          |                |          |
| Description: | MAP failed to calibrate their monitoring instrument according to the TCEQ Regulation V, Rule 115.355(1), which requires Test Method 21 (40 CFR 60, Appendix A) for determining volatile organic compound leaks. |          |                |          |
| Date         | 05/31/2004  | (294819) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter  |          |                |          |
| Date         | 09/30/2004  | (351881) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter  |          |                |          |
| Date         | 11/30/2004  | (381741) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter  |          |                |          |
| Date         | 12/31/2004  | (381742) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |
| Description: | Failure to meet the limit for one or more permit parameter  |          |                |          |
| Date         | 08/29/2005  | (346080) |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter H 116.770  |          |                |          |
| Description: | Failure to apply for a Permit or Permit-by-Rule for the #4 Well Pump.   |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 116, SubChapter H 116.770  |          |                |          |
| Description: | Failure to apply for a permit or Permit-by-Rule by September 1, 2003, for the Railcar Fugitives.  |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter H 101.360(a)(1)  |          |                |          |
| Description: | Failure to Certify the #4 Well Pump, by June 30, 2001.  |          |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(1)<br>40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)  |          |                |          |
| Description: | Failure to equip External Floating Roof Tanks with gasketed cover.  |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(2)<br>40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.271(a)(5)[G]   |          |                |          |
| Description: | Failure to equip Internal Floating Roof Tanks with a gasketed cover.  |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(2)<br>40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)   |          |                |          |
| Description: | Failure to install a closed loop or equivalent in sampling system   |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter D 115.354(4)   |          |                |          |
| Description: | Failure to monitor Relief valves within 24 hours of lifting to atmosphere.  |          |                |          |
| Self Report? | NO  |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 122, SubChapter B 122.143(4)   |          |                |          |
| Description: | Failure to comply with the Terms and Conditions of their Operating Permit   |          |                |          |
| Date         | 09/30/2005  | (468214) |                |          |
| Self Report? | YES   |          | Classification | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a)[G]  |          |                |          |

Description: Failure to meet the limit for one or more permit parameter  
Date 07/14/2006 (484513)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT Permit # 22433, SC #1  
Description: Failure to prevent an operator error resulting in unauthorized emission of nitrogen oxide.  
Date 09/18/2006 (530966)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Date 10/19/2006 (516360)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PA Flexible Permit #22433, SC#1  
Description: Failure to prevent unauthorized emission of propylene.  
Date 10/25/2006 (516362)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PA Flexible Permit # 22433  
Description: Failure to prevent unauthorized emission of benzene.  
Date 02/02/2007 (512535)  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT No. 22433, Special Condition 6E  
OP No. O-01380, Special Condition 1A  
OP No. O-01380, Special Condition 21A  
Description: failure to equip open ended lines and valves with a plug, cap, blind flange or second valve.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: OP No. O-01380, Special Condition 1A  
Description: failure to install a flow meter that provides a record of vent stream flow to the flare.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT No. 22433, Special Condition 6F  
OP No. O-01380, Special Condition 1A  
OP No. O-01380, Special Condition 21A  
Description: failure to calibrate gas analyzer so that it conformed to the requirements of 40 CFR Part 60, Subpart VV § 60.485(b)(1).

F. Environmental audits.

N/A

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



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MARATHON PETROLEUM COMPANY  
LLC  
RN100210608**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0392-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Marathon Petroleum Company LLC (“Marathon”) 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 Marathon presented this agreement to the Commission.

Marathon understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Marathon agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Marathon.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Marathon owns and operates a petroleum refinery at 502 10th Street South in Texas City, Galveston County, Texas (the “Plant”).



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on January 29, 2007, TCEQ staff documented that Marathon failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 66.3 pounds ("lbs") of benzene, 5,986.4 lbs of crude oil, 226.8 lbs of cyclohexane, 4.8 lbs of ethylbenzene, 513.2 lbs of n-hexane, 0.1 lb of naphthalene, 88.0 lbs of toluene, 4.3 lbs of 1,2,4-trimethylbenzene, and 34.6 lbs of m-xylene were released to the atmosphere due to an oil leak through the open roof drains, roof legs, and the lifted tank seals of tanks 513 and 520. The emissions event which occurred on November 29, 2006, lasted seven hours.
4. During an investigation on January 29, 2007, TCEQ staff documented that Marathon failed to include the permit number in the final report for the emissions event that occurred on November 29, 2006.
5. During an investigation on March 2, 2007, TCEQ staff documented that Marathon failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 46.4 pounds ("lbs") of benzene, 4,190.5 lbs of crude oil, 158.8 lbs of cyclohexane, 3.4 lbs of ethylbenzene, 359.2 lbs of n-hexane, 0.1 lb of naphthalene, 61.6 lbs of toluene, 3.0 lbs of 1,2,4-trimethylbenzene, and 24.2 lbs of m-xylene were released into the atmosphere due to oil escaping through a tank roof leg and onto the tank. The emissions event which occurred on December 11, 2006, lasted eight hours and thirty minutes.
6. During an investigation on March 2, 2007, TCEQ staff documented that Marathon failed to include the permit number in the final report for the emissions event that occurred on December 11, 2006.
7. During an investigation on March 9, 2007, TCEQ staff documented that Marathon failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 687.18 pounds ("lbs") of propene, 3,378.42 lbs of N-butane, 4,915.84 lbs of isobutane, 677.14 lbs of propane, 5,107.35.2 lbs of isopentane, 754.15 lbs of N-pentane, 160.27 lbs of pentene, 2,435.42 lbs of isohexane, 1,785.51 lbs of butene, 1,875.12 lbs of isobutene, 1,814.33 lbs of cis-2-butene, and 2,324.19 lbs of trans-2-butene were released into the atmosphere due to the failure to prevent the bulldozer from striking a liquefied petroleum gas line. The emissions event which occurred on January 26, 2007, lasted one hour and thirty-eight minutes.
8. During an investigation on March 9, 2007, TCEQ staff documented that Marathon failed to include permit number in the final report for the emissions event that occurred on January 26, 2007.
9. Marathon received notices of violations on or about March 11 and 25, 2007, and April 19, 2007.

## II. CONCLUSIONS OF LAW



1. Marathon is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Marathon failed to prevent unauthorized emissions on November 29, 2006, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 22433, Special Condition No. 1. Since the emissions event was avoidable, Marathon failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).
3. As evidenced by Findings of Fact No. 4, Marathon failed to include the permit number in the final report for the emissions event that occurred on November 29, 2006, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, Marathon failed to prevent unauthorized emissions on December 11, 2006, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 22433, Special Condition No. 1. Since the emissions event was avoidable, Marathon failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).
5. As evidenced by Findings of Fact No. 6, Marathon failed to include the permit number in the final report for the emissions event that occurred on December 11, 2006, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidence by Findings of Fact No. 7, Marathon failed to prevent unauthorized emissions on January 26, 2007, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 22433, Special Condition No. 1. Since the emissions event was avoidable, Marathon failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).
7. As evidenced by Findings of Fact No. 8, Marathon failed to include permit number in the final report for the emissions event that occurred on January 26, 2007, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Pursuant to TEX. WATER CODE § 7.05, the Commission has the authority to assess an administrative penalty against Marathon for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Thirty Thousand Six Hundred Ninety-Six Dollars (\$30,696) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Marathon has paid the Thirty Thousand Six-Hundred Ninety-Six Dollar (\$30,696) administrative penalty.



### III. ORDERING PROVISIONS

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

1. Marathon is assessed an administrative penalty in the amount of Thirty Thousand Six Hundred Ninety-Six Dollars (\$30,696) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Marathon's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Marathon Petroleum Company LLC, Docket No. 2007-0392-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. Marathon shall undertake the following technical requirements:

- a. No later than December 31, 2007:

- i. Implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions events that occurred on November 29, 2006, December 11, 2006 and January 26, 2007; and
- ii. Develop and implement procedures to ensure proper notification of future emissions events.

- b. Within 45 days after the effective date of this Agreed Order to no later than January 15, 2008 submit written certification demonstrating compliance with Ordering Provisions 2.a.i. and 2.a.ii. The certification shall include detailed supporting documentation including receipts, monitoring records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Marathon. Marathon is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Marathon 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, Marathon's failure to comply is not a violation of this Agreed Order. Marathon shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Marathon shall notify the Executive Director within seven days after Marathon becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Marathon shall be made in writing to the Executive Director. Extensions are not effective until Marathon receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Marathon if the Executive Director determines that Marathon has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.



8. This Agreed Order, issued by the Commission, shall not be admissible against Marathon 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

J. A. Szollosi  
For the Executive Director

8/29/07  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Marathon Petroleum Company LLC. I am authorized to agree to the attached Agreed Order on behalf of Marathon Petroleum Company LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Marathon Petroleum Company LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

U. Bradley  
Signature

6/20/07  
Date

Constance G. Bradley  
Name (Printed or typed)  
Authorized Representative of  
Marathon Petroleum Company LLC

Division 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.

