

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2006-0613-AIR-E TCEQ ID: RN100209451 CASE NOS.: 29560 and 30447
RESPONDENT NAME: MOTIVA ENTERPRISES LLC

ORDER TYPE:		
<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	

CASE TYPE:		
<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

SITE WHERE VIOLATION(S) OCCURRED: 2100 Houston Avenue, Port Arthur, Jefferson County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 25, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Mark Curnutt, Litigation Division, MC 175, (512) 239-0624
 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Section III, MC R-10, (409) 899-8799

TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. James Rhame, Production Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641-0712

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: February 15 – 28, 2006 and March 23, 2006</p> <p>Date of NOV/NOE Relating to this Case: May 22, 2006 and July 17, 2006 (NOEs)</p> <p>Background Facts: The Respondent contacted the staff attorney and requested an Agreed Order. An Agreed Order was signed and a check for the full amount of the penalty was sent on February 9, 2007.</p> <p>AIR:</p> <p>1. Failed to identify that NOx and CO emissions had been generated [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to maintain an emission rate below the authorized emission limit [30 TEX. ADMIN. CODE §§ 101.20(1), 116.715(a) and (c)(7); Air Permit No. 8404, Special Conditions (“SC”) 9, XII-4, XII-13; 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 60.104(a)(2)(i); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.715(a) and (c)(7); 40 CFR § 60.104(a)(2)(i); Air Permit No. 8404, SC 9; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$18,944</p> <p>Total Deferred: \$0</p> <p>Total Paid to General Revenue: \$18,944</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>1. The Respondent’s violations involve an emission or discharge of contaminants to the environment where people or environmental receptors have been exposed to pollutants which exceed levels that are protective.</p> <p>2. The Respondent has had more than three repeated enforcement actions (NOV, CAD, BCA/CA, order, judgment) over the prior five year period for the same violation or a substantial history of the same violation entity-wide.</p>	<p>Ordering Provisions</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <p>a. Develop and implement a Standard Operating Procedure that will ensure proper reporting of future emission events; and</p> <p>b. Implement measures designed to prevent the recurrence of an emissions event due to causes the same as those associated with the February 14 and February 17-18, 2006 events.</p> <p>2. Within 45 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 1.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	30-May-2006	Screening	31-May-2006	EPA Due	27-Feb-2007
	PCW	05-Jun-2006				

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

CASE INFORMATION			
Enf./Case ID No.	29560	No. of Violations	2
Docket No.	2006-0613-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 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 244% Enhancement Subtotals 2, 3, & 7

Notes: Enhancement for four (4) NOV's with same or similar violations, twelve (12) NOV's without same or similar violations, including eight (8) self-reported NOV's, one (1) federal consent order with denial, three (3) 1660 orders, and five (5) Findings orders without denial of liability. Reduction for environmental management system and early compliance with state or federal government environmental requirements in the past five years.

Culpability No Subtotal 4

Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes: The Respondent has not yet achieved compliance.

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$116	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

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

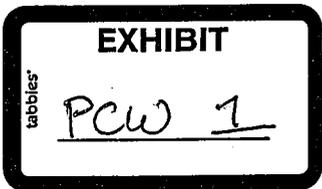
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

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 offered for Findings Order.

PAYABLE PENALTY



Screening Date 31-May-2006

Docket No. 2006-0613-AIR-E

PCW

Respondent Motiva Enterprises, LLC

Policy Revision 2 (September 2002)

Case ID No. 29560

PCW Revision April 25, 2006

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 (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	Yes	-5%

Adjustment Percentage (Subtotal 2) 244%

>> 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 four (4) NOV's with same or similar violations, twelve (12) NOV's without same or similar violations, including eight (8) self-reported NOV's, one (1) federal consent order with denial, three (3) 1660 orders, and five (5) Findings orders without denial of liability. Reduction for environmental management system and early compliance with state or federal government environmental requirements in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 244%

Screening Date	31-May-2006	Docket No.	2006-0613-AIR-E	PCW
Respondent	Motiva Enterprises, LLC			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	29560			<i>PCW Revision April 25, 2006</i>
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air Quality			
Enf. Coordinator	Daniel Siringi			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 101.201(b)(1)(G) and (H)			
Secondary Rule Cite(s)	Texas Health & Safety Code § 382.085(b)			
Violation Description	Failure to identify in the final report of an emissions event that nitrogen oxide (NOx) and carbon monoxide (CO) emissions had been generated.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	X	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events Number of violation days

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input type="text"/>
use a small x	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	X

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
 Case ID No. 29560
 Reg. Ent. Reference No. RN100209451
 Media [Statute] Air Quality
 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	18-Feb-2006	17-Dec-2006	0.8	\$3	\$55	\$58
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: Estimated cost of preparing and implementing procedures which will ensure proper reporting of emission events. Date required is the due date of the report and final date is the estimated compliance date.

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

TOTAL

Screening Date 31-May-2006

Docket No. 2006-0613-AIR-E

PCW

Respondent Motiva Enterprises, LLC

Policy Revision 2 (September 2002)

Case ID No. 29560

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm		
Release		Major	Moderate	Minor
Actual				X
Potential				

Percent

>> Programmatic Matrix

		Major	Moderate	Minor
Falsification				

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

Number of violation days

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	X

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
 Case ID No. 29560
 Reg. Ent. Reference No. RN100209451
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	17-Feb-2006	17-Dec-2006	0.8	\$3	\$55	\$58
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: Estimated cost of preventing emissions. Date required is the date of occurrence and final date is the estimated compliance date.

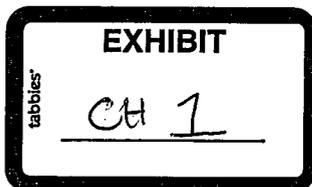
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,000** TOTAL **\$58**

Compliance History

Customer/Respondent/Owner-Operator:	CN600124051	Motiva Enterprises, LLC	Classification: AVERAGE	Rating: 1.40
Regulated Entity:	RN100209451	PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 13.30
ID Number(s):	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	PERMIT	54599	
	AIR NEW SOURCE PERMITS	REGISTRATION	55470	
	AIR NEW SOURCE PERMITS	REGISTRATION	75965	
	AIR NEW SOURCE PERMITS	REGISTRATION	75969	
	AIR NEW SOURCE PERMITS	REGISTRATION	75968	
	AIR NEW SOURCE PERMITS	REGISTRATION	76100	
	AIR NEW SOURCE PERMITS	REGISTRATION	75598	
	AIR NEW SOURCE PERMITS	REGISTRATION	75653	
	AIR NEW SOURCE PERMITS	REGISTRATION	76283	
	AIR NEW SOURCE PERMITS	REGISTRATION	55797	
	AIR NEW SOURCE PERMITS	REGISTRATION	76146	
	AIR NEW SOURCE PERMITS	PERMIT	56287	
	AIR NEW SOURCE PERMITS	REGISTRATION	71554	
	AIR NEW SOURCE PERMITS	REGISTRATION	71770	
	AIR NEW SOURCE PERMITS	PERMIT	52468	
	AIR NEW SOURCE PERMITS	PERMIT	55343	
	AIR NEW SOURCE PERMITS	PERMIT	52429	
	AIR NEW SOURCE PERMITS	PERMIT	71111	
	AIR NEW SOURCE PERMITS	PERMIT	52910	
	AIR NEW SOURCE PERMITS	PERMIT	53266	
	AIR NEW SOURCE PERMITS	PERMIT	54779	
	AIR NEW SOURCE PERMITS	PERMIT	53478	
	AIR NEW SOURCE PERMITS	REGISTRATION	72294	
	AIR NEW SOURCE PERMITS	REGISTRATION	72558	
	AIR NEW SOURCE PERMITS	REGISTRATION	72633	
	AIR NEW SOURCE PERMITS	REGISTRATION	75103	
	AIR NEW SOURCE PERMITS	REGISTRATION	75192	
	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
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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	8419
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
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AIR NEW SOURCE PERMITS	PERMIT	24307
AIR NEW SOURCE PERMITS	PERMIT	29244
AIR NEW SOURCE PERMITS	PERMIT	32236
AIR NEW SOURCE PERMITS	PERMIT	31590
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AIR NEW SOURCE PERMITS	PERMIT	34500
AIR NEW SOURCE PERMITS	PERMIT	37624
AIR NEW SOURCE PERMITS	PERMIT	38931
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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	PERMIT	52701
AIR NEW SOURCE PERMITS	PERMIT	52622
AIR NEW SOURCE PERMITS	PERMIT	52879
AIR NEW SOURCE PERMITS	PERMIT	52878
AIR NEW SOURCE PERMITS	AFS NUM	0020
AIR NEW SOURCE PERMITS	REGISTRATION	8404
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50188
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121

Location: 2100 HOUSTON AVE, PORT ARTHUR, TX, 77640 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 06, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 06, 2001 to June 06, 2006

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 NO_x 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 tail 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.

See addendum for information regarding federal actions.

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.)

N/A	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	12/27/2001	(158336)
	7	07/01/2003	(38152)
	8	12/23/2002	(158337)
	9	01/03/2003	(19049)
	10	05/27/2004	(268908)
	11	01/31/2005	(347748)
	12	10/13/2003	(248076)

13 04/08/2004 (264185)
14 05/05/2004 (270556)
15 05/22/2006 (459051)
16 05/03/2006 (453610)
17 01/15/2003 (20157)
18 01/24/2006 (439307)
19 01/24/2002 (158340)
20 09/15/2005 (398731)
21 08/27/2002 (5075)
22 01/22/2003 (158341)
23 04/03/2003 (27201)
24 06/21/2004 (264256)
25 11/05/2002 (15578)
26 04/03/2003 (27056)
27 04/27/2005 (340352)
28 02/15/2006 (450083)
29 12/02/2003 (34076)
30 12/12/2003 (254380)
31 11/05/2002 (15592)
32 02/18/2004 (260152)
33 05/25/2004 (267857)
34 11/22/2004 (341148)
35 11/23/2004 (338625)
36 08/28/2003 (28999)
37 11/05/2002 (15599)
38 07/29/2002 (4988)
39 12/02/2005 (418595)
40 09/15/2005 (398732)
41 09/09/2003 (247671)
42 01/09/2006 (438168)
43 04/08/2004 (264558)
44 05/25/2004 (267858)
45 04/04/2003 (26233)
46 04/08/2002 (IE0000669010001)
47 09/15/2005 (398734)
48 07/29/2002 (5026)
49 01/09/2006 (438169)
50 08/01/2002 (3684)
51 11/08/2004 (336153)
52 12/13/2004 (343042)
53 03/29/2006 (454264)
54 09/15/2005 (398735)
55 03/28/2006 (454259)
56 11/09/2005 (436494)
57 01/03/2003 (19048)
58 01/09/2006 (438170)
59 07/29/2002 (4999)
60 12/18/2002 (19046)
61 08/23/2005 (399864)
62 02/10/2005 (348671)
63 06/17/2003 (61544)
64 02/18/2004 (295430)

65 03/27/2003 (26230)
66 01/09/2006 (438171)
67 12/31/2003 (258590)
68 04/14/2006 (454439)
69 01/27/2006 (440026)
70 02/22/2005 (381860)
71 01/24/2006 (439304)
72 02/06/2004 (284347)
73 04/08/2004 (264559)
74 01/27/2006 (440027)
75 12/22/2004 (339617)
76 01/09/2006 (438173)
77 03/22/2004 (295432)
78 01/27/2006 (440028)
79 02/22/2002 (158301)
80 04/23/2004 (295433)
81 12/11/2003 (252519)
82 08/31/2005 (374623)
83 05/25/2004 (267860)
84 07/07/2004 (272293)
85 07/29/2002 (5037)
86 02/16/2006 (440030)
87 03/28/2006 (454260)
88 01/09/2006 (438174)
89 05/22/2003 (295435)
90 12/31/2003 (258591)
91 02/18/2003 (158302)
92 11/08/2004 (336154)
93 12/06/2005 (436191)
94 04/03/2003 (27066)
95 10/13/2003 (248091)
96 05/19/2004 (295436)
97 11/22/2004 (341153)
98 12/02/2005 (435832)
99 12/22/2003 (252520)
100 04/03/2003 (27131)
101 03/18/2002 (158304)
102 06/28/2004 (295438)
103 03/21/2003 (158305)
104 07/23/2003 (40816)
105 08/31/2005 (343681)
106 01/24/2005 (346789)
107 01/09/2006 (438165)
108 07/17/2003 (295440)
109 01/06/2003 (19050)
110 07/22/2004 (295441)
111 11/07/2002 (16202)
112 04/02/2004 (249785)
113 02/18/2005 (344919)
114 07/19/2005 (377532)
115 07/29/2002 (4874)
116 06/18/2001 (158308)

117 07/29/2002 (5072)
118 10/13/2004 (286696)
119 05/20/2005 (381148)
120 08/10/2001 (IE0000669009001)
121 10/13/2004 (286697)
122 08/24/2004 (352156)
123 08/18/2003 (295443)
124 10/13/2004 (286698)
125 04/23/2002 (158309)
126 01/12/2006 (437664)
127 08/31/2004 (253278)
128 04/03/2003 (26943)
129 11/08/2004 (336156)
130 04/07/2004 (264561)
131 04/21/2003 (158310)
132 05/20/2005 (381149)
133 03/28/2006 (454262)
134 09/22/2003 (295445)
135 09/20/2004 (352157)
136 05/20/2005 (381150)
137 01/24/2006 (439306)
138 05/19/2003 (31005)
139 07/29/2002 (5079)
140 05/20/2005 (381151)
141 10/27/2003 (295447)
142 08/31/2005 (339481)
143 01/24/2006 (439308)
144 11/20/2003 (295448)
145 07/29/2002 (5004)
146 10/29/2002 (12379)
147 10/20/2004 (352158)
148 05/20/2002 (158313)
149 12/23/2003 (295449)
150 07/29/2002 (4820)
151 01/16/2004 (295451)
152 01/03/2003 (19047)
153 11/19/2004 (352159)
154 03/29/2006 (454263)
155 06/23/2005 (381154)
156 04/08/2004 (264246)
157 04/03/2003 (27183)
158 02/14/2003 (19679)
159 06/18/2001 (158315)
160 12/17/2004 (352160)
161 06/19/2002 (158316)
162 01/22/2003 (18888)
163 01/06/2005 (343526)
164 03/24/2004 (251592)
165 12/30/2003 (256359)
166 06/19/2003 (158317)
167 03/23/2005 (346655)
168 01/24/2006 (439305)

169 11/05/2002 (15594)
170 05/16/2006 (464801)
171 07/20/2001 (158319)
172 04/08/2004 (264233)
173 08/01/2005 (395622)
174 09/20/2004 (352161)
175 10/16/2003 (248607)
176 11/22/2004 (341149)
177 06/24/2005 (419689)
178 04/08/2004 (264250)
179 08/09/2002 (5590)
180 07/22/2002 (158320)
181 04/22/2005 (419690)
182 04/06/2004 (267670)
183 05/23/2005 (419691)
184 11/05/2002 (15561)
185 06/21/2005 (419692)
186 11/22/2004 (341150)
187 08/17/2001 (158322)
188 04/01/2005 (341733)
189 04/22/2005 (419693)
190 08/16/2002 (158323)
191 10/13/2003 (248609)
192 11/08/2004 (336149)
193 10/16/2003 (248083)
194 11/05/2002 (15959)
195 02/07/2006 (437317)
196 09/21/2001 (158325)
197 12/30/2003 (256360)
198 04/07/2004 (264562)
199 01/09/2006 (438161)
200 11/22/2004 (341152)
201 08/01/2005 (395623)
202 09/20/2002 (158326)
203 06/30/2005 (381062)
204 02/22/2006 (468420)
205 12/30/2003 (256361)
206 10/29/2002 (12376)
207 08/19/2005 (440827)
208 04/13/2006 (468421)
209 10/17/2001 (158328)
210 01/09/2006 (438167)
211 01/09/2006 (438163)
212 09/23/2005 (440828)
213 04/13/2006 (468422)
214 08/01/2002 (5527)
215 10/21/2002 (158329)
216 07/29/2002 (5018)
217 04/01/2005 (341734)
218 10/24/2005 (440829)
219 11/18/2005 (468423)
220 04/08/2004 (264242)

221 09/23/2005 (440830)
 222 12/13/2004 (343131)
 223 12/27/2005 (468424)
 224 05/16/2006 (464788)
 225 07/11/2001 (39383)
 226 08/26/2002 (6828)
 227 04/06/2004 (267580)
 228 05/22/2002 (392418)
 229 11/20/2001 (158332)

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

Date: 10/31/2001 (158332)
 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: 11/30/2001 (158336)
 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: 05/19/2003 (31005)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 Rqmt Prov: OP IA
 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 IA
 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 IA
 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 IA
 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 IA
 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 IA
 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 IA
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 IA
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 IA
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: 01/31/2002 (158301)
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: 06/30/2001 (158319)
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.
N/A
- G. Type of environmental management systems (EMSs).
Non-TCEQ approved
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
Yes

Sites Outside of Texas
N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant): MOTIVA ENTERPRISES LLC

REGULATED ENTITY: MOTIVA PORT ARTHUR REFINERY

REG. ENTITY ADDRESS: 2100 HOUSTON AVE.

REG. ENTITY CITY: PORT ARTHUR

CUSTOMER NO.: CN600124051

REG. ENTITY NO.: RN100209451

Violations

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	RCRA SECT. OF STATUTE 3005A
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	CITATION	40CFR CITE PART 262 CITE SECT. 11
CASE RESULT	Final Order With Penalty	PROGRAM	Gen. Haz. Waste Management- LQG
		VIOLATION TYPE	RCRA Misidentified Waste

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	RCRA SECT. OF STATUTE 3002
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	CITATION	40CFR CITE PART 262 CITE SECT. 12
CASE RESULT	Final Order With Penalty	PROGRAM	Gen. Haz. Waste- Transporter Req.
		VIOLATION TYPE	Land Disposal & Treatment

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	RCRA SECT. OF STATUTE 3003
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	CITATION	40CFR CITE PART 268 CITE SECT. 7
CASE RESULT	Final Order With Penalty	PROGRAM	
		VIOLATION TYPE	Disposal Facility Req./not specified

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MAJOR
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	CITATION	40CFR CITE PART 270 CITE SECT. 1
CASE RESULT	Final Order With Penalty	PROGRAM	
		VIOLATION TYPE	Discharge/Emission/Activity w/out Permit

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	CAA SECT. OF STATUTE 112
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 61 CITE SECT. 342(C)
CASE RESULT	Final Order With Penalty	PROGRAM	NESHAPs
		VIOLATION TYPE	Nat. Emis. Standard - Haz. Air Pollutant

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	40CFR CITE PART 61 CITE SECT. 357
CASE RESULT	Final Order With Penalty	PROGRAM	
		VIOLATION TYPE	Violations Of Reporting Requirements

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	
CASE RESULT	Final Order With Penalty	PROGRAM	
		VIOLATION TYPE	Air Emissions not otherwise specified

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	CITATION	
CASE RESULT	Final Order With Penalty	PROGRAM	
		VIOLATION TYPE	Refinery Fuel Gas



Penalty Calculation Worksheet (PCW)

DATES	Assigned 24-Jul-2006	Screening 26-Jul-2006	EPA Due 22-Apr-2007
	PCW 31-Jul-2006		

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

CASE INFORMATION			
Enf./Case ID No.	30447	No. of Violations	1
Docket No.	2006-0613-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 252% Enhancement **Subtotals 2, 3, & 7** \$25,200

Notes: Enhancement for four (4) NOV's with same or similar violations, eleven (11) NOV's without same or similar violations, including seven (7) self-reported NOV's, one (1) federal consent order with denial, three (3) 1660 orders, and five (5) Findings orders without denial of liability. Reduction for early compliance with state or federal government environmental requirements in the past five years.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent does not meet good faith criteria.

Economic Benefit 0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$167	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$2,550	

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$35,200

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

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

Notes:

Final Penalty Amount \$35,200

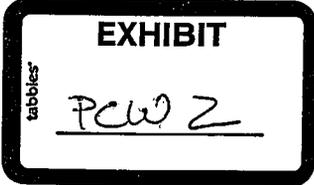
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$10,000

DEFERRAL 0% Reduction **Adjustment** \$0

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

Notes: No deferral is offered for Findings Order.

PAYABLE PENALTY \$10,000



Screening Date 26-Jul-2006 **Docket No.** 2006-0613-AIR-E **PCW**
Respondent Motiva Enterprises, LLC *Policy Revision 2 (September 2002)*
Case ID No. 30447 *PCW Revision April 25, 2006*
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 (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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	Yes	-5%

Adjustment Percentage (Subtotal 2) **252%**

>> **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 four (4) NOV's with same or similar violations, eleven (11) NOV's without same or similar violations, including seven (7) self-reported NOV's, one (1) federal consent order with denial, three (3) 1660 orders, and five (5) Findings orders without denial of liability. Reduction for early compliance with state or federal government environmental requirements in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **252%**

Screening Date 26-Jul-2006

Docket No. 2006-0613-AIR-E

PCW

Respondent Motiva Enterprises, LLC

Policy Revision 2 (September 2002)

Case ID No. 30447

PCW Revision April 25, 2006

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 1

Primary Rule Cite(s)

Air Permit No. 8404, Special Condition 9

Secondary Rule Cite(s)

30 Tex. Admin. Code § 116.715(a) and (c)(7), 40 CFR § 60.104(a)(2)(i) and Texas Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions of 124,908 pounds (lbs) of sulfur dioxide (SO2), 2,637 lbs of carbon monoxide (CO), 365 lbs of nitrogen dioxide (NOx), 334 lbs of hydrogen sulfide (H2S), and 3,109.7 lbs of volatile organic compounds (VOCs) at DCU Flare (EPN:EDCU-1); 2,768 lbs of SO2, 58 lbs of CO, 8.0 lbs of NOx, 7.0 lbs of H2S and 36.8 lbs of VOC at CRU4 Flare (EPN: ECRU4); and 2.768 lbs of SO2, 58.0 lbs of CO, 8.0 lbs of NOx, 7.0 lbs of H2S and 36.8 lbs of VOC at VPS4 Flare (EPN: EVPS4) which began on February 14, 2006 at 0731 hours and lasted for 10.85 hours. Since the emissions event could have been avoided and was determined to be excessive, Motiva failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Harm

OR

Release	Major	Moderate	Minor
Actual	X		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that exceed levels that are protective of human health or environmental receptors as a result of the violation. Motiva is located in close proximity to the residential El Vista Community.

Adjustment \$0

Base Penalty Subtotal \$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$10,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$167

Violation Final Penalty Total \$35,200

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

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
 Case ID No. 30447
 Reg. Ent. Reference No. RN100209451
 Media [Statute] Air Quality
 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,550	14-Feb-2006	22-Jan-2007	0.9	\$8	\$159	\$167
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 Estimated cost of preventing emissions. Date required is the date of occurrence and final date is the estimated date corrective actions will be complete.

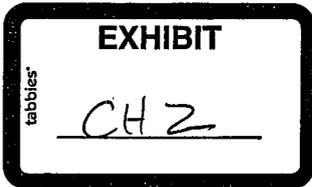
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,550 x TOTAL \$167

Compliance History

Customer/Respondent/Owner-Operator:	CN600124051	Motiva Enterprises, LLC	Classification: AVERAGE	Rating: 1.40
Regulated Entity:	RN100209451	PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 13.30
ID Number(s):	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	PERMIT	54599	
	AIR NEW SOURCE PERMITS	REGISTRATION	55470	
	AIR NEW SOURCE PERMITS	REGISTRATION	75965	
	AIR NEW SOURCE PERMITS	REGISTRATION	75969	
	AIR NEW SOURCE PERMITS	REGISTRATION	75968	
	AIR NEW SOURCE PERMITS	REGISTRATION	76100	
	AIR NEW SOURCE PERMITS	REGISTRATION	75598	
	AIR NEW SOURCE PERMITS	REGISTRATION	75653	
	AIR NEW SOURCE PERMITS	REGISTRATION	76283	
	AIR NEW SOURCE PERMITS	REGISTRATION	55797	
	AIR NEW SOURCE PERMITS	REGISTRATION	76146	
	AIR NEW SOURCE PERMITS	PERMIT	56287	
	AIR NEW SOURCE PERMITS	REGISTRATION	71554	
	AIR NEW SOURCE PERMITS	REGISTRATION	71770	
	AIR NEW SOURCE PERMITS	PERMIT	52468	
	AIR NEW SOURCE PERMITS	PERMIT	55343	
	AIR NEW SOURCE PERMITS	PERMIT	52429	
	AIR NEW SOURCE PERMITS	PERMIT	71111	
	AIR NEW SOURCE PERMITS	PERMIT	52910	
	AIR NEW SOURCE PERMITS	PERMIT	53266	
	AIR NEW SOURCE PERMITS	PERMIT	54779	
	AIR NEW SOURCE PERMITS	PERMIT	53478	
	AIR NEW SOURCE PERMITS	REGISTRATION	72294	
	AIR NEW SOURCE PERMITS	REGISTRATION	72558	
	AIR NEW SOURCE PERMITS	REGISTRATION	72633	
	AIR NEW SOURCE PERMITS	REGISTRATION	75103	
	AIR NEW SOURCE PERMITS	REGISTRATION	75192	
	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	PERMIT	52701
AIR NEW SOURCE PERMITS	PERMIT	52622
AIR NEW SOURCE PERMITS	PERMIT	52879
AIR NEW SOURCE PERMITS	PERMIT	52878
AIR NEW SOURCE PERMITS	AFS NUM	0020
AIR NEW SOURCE PERMITS	REGISTRATION	8404
AIR NEW SOURCE PERMITS	REGISTRATION	79194
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50188
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121

Location: 2100 HOUSTON AVE, PORT ARTHUR, TX, 77640 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 24, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 24, 2001 to July 24, 2006

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 the 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 NO_x 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 upset 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 SO2 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.

See addendum for information regarding federal actions.

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 | 12/27/2001 | (158336) |
| 7 | 07/01/2003 | (38152) |
| 8 | 12/23/2002 | (158337) |
| 9 | 01/03/2003 | (19049) |
| 10 | 05/27/2004 | (268908) |
| 11 | 01/31/2005 | (347748) |
| 12 | 10/13/2003 | (248076) |
| 13 | 04/08/2004 | (264185) |

14	05/05/2004	(270556)
15	05/22/2006	(459051)
16	05/03/2006	(453610)
17	01/15/2003	(20157)
18	01/24/2006	(439307)
19	01/24/2002	(158340)
20	09/15/2005	(398731)
21	08/27/2002	(5075)
22	01/22/2003	(158341)
23	07/13/2006	(481868)
24	04/03/2003	(27201)
25	06/21/2004	(264256)
26	11/05/2002	(15578)
27	04/03/2003	(27056)
28	04/27/2005	(340352)
29	02/15/2006	(450083)
30	12/02/2003	(34076)
31	12/12/2003	(254380)
32	11/05/2002	(15592)
33	02/18/2004	(260152)
34	05/25/2004	(267857)
35	11/22/2004	(341148)
36	11/23/2004	(338625)
37	08/28/2003	(28999)
38	11/05/2002	(15599)
39	07/29/2002	(4988)
40	12/02/2005	(418595)
41	09/15/2005	(398732)
42	09/09/2003	(247671)
43	01/09/2006	(438168)
44	04/08/2004	(264558)
45	05/25/2004	(267858)
46	04/04/2003	(26233)
47	04/08/2002	(IE0000669010001)
48	09/15/2005	(398734)
49	07/29/2002	(5026)
50	01/09/2006	(438169)
51	08/01/2002	(3684)
52	11/08/2004	(336153)
53	12/13/2004	(343042)
54	03/29/2006	(454264)
55	09/15/2005	(398735)
56	03/28/2006	(454259)
57	11/09/2005	(436494)
58	01/03/2003	(19048)
59	01/09/2006	(438170)
60	07/29/2002	(4999)
61	12/18/2002	(19046)
62	08/23/2005	(399864)
63	02/10/2005	(348671)
64	06/17/2003	(61544)
65	02/18/2004	(295430)
66	03/27/2003	(26230)

67 01/09/2006 (438171)
68 12/31/2003 (258590)
69 04/14/2006 (454439)
70 01/27/2006 (440026)
71 02/22/2005 (381860)
72 01/24/2006 (439304)
73 02/06/2004 (284347)
74 04/08/2004 (264559)
75 01/27/2006 (440027)
76 12/22/2004 (339617)
77 01/09/2006 (438173)
78 03/22/2004 (295432)
79 01/27/2006 (440028)
80 02/22/2002 (158301)
81 04/23/2004 (295433)
82 12/11/2003 (252519)
83 08/31/2005 (374623)
84 05/25/2004 (267860)
85 07/07/2004 (272293)
86 07/29/2002 (5037)
87 02/16/2006 (440030)
88 03/28/2006 (454260)
89 01/09/2006 (438174)
90 05/22/2003 (295435)
91 12/31/2003 (258591)
92 02/18/2003 (158302)
93 11/08/2004 (336154)
94 12/06/2005 (436191)
95 04/03/2003 (27066)
96 10/13/2003 (248091)
97 05/19/2004 (295436)
98 11/22/2004 (341153)
99 12/02/2005 (435832)
100 12/22/2003 (252520)
101 04/03/2003 (27131)
102 03/18/2002 (158304)
103 06/28/2004 (295438)
104 03/21/2003 (158305)
105 07/23/2003 (40816)
106 08/31/2005 (343681)
107 01/24/2005 (346789)
108 01/09/2006 (438165)
109 06/16/2006 (465963)
110 07/17/2003 (295440)
111 01/06/2003 (19050)
112 07/22/2004 (295441)
113 11/07/2002 (16202)
114 04/02/2004 (249785)
115 02/18/2005 (344919)
116 07/19/2005 (377532)
117 07/29/2002 (4874)
118 07/29/2002 (5072)
119 10/13/2004 (286696)

120	05/20/2005	(381148)
121	08/10/2001	(IE0000669009001)
122	10/13/2004	(286697)
123	08/24/2004	(352156)
124	08/18/2003	(295443)
125	10/13/2004	(286698)
126	04/23/2002	(158309)
127	01/12/2006	(437664)
128	08/31/2004	(253278)
129	04/03/2003	(26943)
130	11/08/2004	(336156)
131	04/07/2004	(264561)
132	04/21/2003	(158310)
133	05/20/2005	(381149)
134	03/28/2006	(454262)
135	09/22/2003	(295445)
136	09/20/2004	(352157)
137	05/20/2005	(381150)
138	01/24/2006	(439306)
139	05/19/2003	(31005)
140	07/29/2002	(5079)
141	05/20/2005	(381151)
142	10/27/2003	(295447)
143	08/31/2005	(339481)
144	01/24/2006	(439308)
145	11/20/2003	(295448)
146	07/29/2002	(5004)
147	10/29/2002	(12379)
148	10/20/2004	(352158)
149	05/20/2002	(158313)
150	12/23/2003	(295449)
151	07/29/2002	(4820)
152	01/16/2004	(295451)
153	01/03/2003	(19047)
154	11/19/2004	(352159)
155	03/29/2006	(454263)
156	06/23/2005	(381154)
157	04/08/2004	(264246)
158	04/03/2003	(27183)
159	02/14/2003	(19679)
160	12/17/2004	(352160)
161	06/19/2002	(158316)
162	01/22/2003	(18888)
163	01/06/2005	(343526)
164	03/24/2004	(251592)
165	12/30/2003	(256359)
166	06/19/2003	(158317)
167	03/23/2005	(346655)
168	01/24/2006	(439305)
169	11/05/2002	(15594)
170	07/17/2006	(455987)
171	05/16/2006	(464801)
172	04/08/2004	(264233)

173	08/01/2005	(395622)
174	09/20/2004	(352161)
175	10/16/2003	(248607)
176	11/22/2004	(341149)
177	06/24/2005	(419689)
178	04/08/2004	(264250)
179	08/09/2002	(5590)
180	07/22/2002	(158320)
181	04/22/2005	(419690)
182	04/06/2004	(267670)
183	05/23/2005	(419691)
184	11/05/2002	(15561)
185	06/21/2005	(419692)
186	11/22/2004	(341150)
187	08/17/2001	(158322)
188	04/01/2005	(341733)
189	04/22/2005	(419693)
190	08/16/2002	(158323)
191	10/13/2003	(248609)
192	11/08/2004	(336149)
193	10/16/2003	(248083)
194	11/05/2002	(15959)
195	02/07/2006	(437317)
196	09/21/2001	(158325)
197	12/30/2003	(256360)
198	04/07/2004	(264562)
199	01/09/2006	(438161)
200	11/22/2004	(341152)
201	08/01/2005	(395623)
202	09/20/2002	(158326)
203	06/30/2005	(381062)
204	02/22/2006	(468420)
205	12/30/2003	(256361)
206	10/29/2002	(12376)
207	08/19/2005	(440827)
208	04/13/2006	(468421)
209	10/17/2001	(158328)
210	01/09/2006	(438167)
211	01/09/2006	(438163)
212	09/23/2005	(440828)
213	04/13/2006	(468422)
214	08/01/2002	(5527)
215	10/21/2002	(158329)
216	07/29/2002	(5018)
217	04/01/2005	(341734)
218	10/24/2005	(440829)
219	11/18/2005	(468423)
220	04/08/2004	(264242)
221	09/23/2005	(440830)
222	12/13/2004	(343131)
223	12/27/2005	(468424)
224	05/16/2006	(464788)
225	08/26/2002	(6828)

226 04/06/2004 (267580)
227 05/22/2002 (392418)
228 11/20/2001 (158332)

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

Date: 10/31/2001 (158332)
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: 11/30/2001 (158336)
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: 05/19/2003 (31005)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Rqmt Prov: OP IA
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 IA
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 IA
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 IA
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 IA
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 IA
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 IA
 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 IA
 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 IA
 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: 01/31/2002 (158301)
 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)

Description: TWC Chapter 26 26.121(a)[G]
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.

- 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.

Sites Outside of Texas
N/A

**Addendum to Compliance History
Federal Enforcement Actions**

CUSTOMER (Defendant): **MOTIVA ENTERPRISES LLC**

REGULATED ENTITY: **MOTIVA PORT ARTHUR REFINERY**

REG. ENTITY ADDRESS: **2100 HOUSTON AVE.**

REG. ENTITY CITY: **PORT ARTHUR**

CUSTOMER NO.: **CN600124051**

REG. ENTITY NO.: **RN100209451**

Violations

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	RCRA
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	SECTION OF STATUTE	3005A
CASE RESULT	Final Order With Penalty	CITATION	40CFR
		CITE PART	262
		CITE SECT	11
		PROGRAM	Gen. Haz. Waste Management- LQG
		VIOLATION TYPE	RCRA Misidentified Waste

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	RCRA
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	SECTION OF STATUTE	3002
CASE RESULT	Final Order With Penalty	CITATION	40CFR
		CITE PART	262
		CITE SECT	12
		PROGRAM	Gen. Haz. Waste- Transporter Req.
		VIOLATION TYPE	Land Disposal & Treatment

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	RCRA
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	SECTION OF STATUTE	3003
CASE RESULT	Final Order With Penalty	CITATION	40CFR
		CITE PART	268
		CITE SECT	7
		PROGRAM	
		VIOLATION TYPE	Disposal Facility Req./not specified

EPA CASE NO.	06-1999-0932	CLASSIFICATION	MAJOR
ORDER ISSUED DATE (YYYYMMDD)	19991105	STATUTE	
ENFORCEMENT ACTION TYPE	Administrative Penalty Order	SECTION OF STATUTE	
CASE RESULT	Final Order With Penalty	CITATION	40CFR
		CITE PART	270
		CITE SECT	1
		PROGRAM	
		VIOLATION TYPE	Discharge/Emission/Activity w/out Permit

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	CAA
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	SECTION OF STATUTE	112
CASE RESULT	Final Order With Penalty	CITATION	40CFR
		CITE PART	61
		CITE SECT	342(C)
		PROGRAM	NESHAPS
		VIOLATION TYPE	Nat. Emls. Standard - Haz. Air Pollutant

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	SECTION OF STATUTE	
CASE RESULT	Final Order With Penalty	CITATION	40CFR
		CITE PART	61
		CITE SECT	357
		PROGRAM	
		VIOLATION TYPE	Violations Of Reporting Requirements

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	SECTION OF STATUTE	
CASE RESULT	Final Order With Penalty	CITATION	
		CITE PART	
		CITE SECT	
		PROGRAM	
		VIOLATION TYPE	Air Emissions not otherwise specified

EPA CASE NO.	06-2000-1232	CLASSIFICATION	MODERATE
ORDER ISSUED DATE (YYYYMMDD)	20010820	STATUTE	
ENFORCEMENT ACTION TYPE	Consent Decree/Court Order	SECTION OF STATUTE	
CASE RESULT	Final Order With Penalty	CITATION	
		CITE PART	
		CITE SECT	
		PROGRAM	
		VIOLATION TYPE	Refinery Fuel Gas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
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§
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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0613-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("Motiva") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Motiva, presented this agreement to the Commission.

Motiva 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, Motiva agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Motiva.

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

FINDINGS OF FACT

1. Motiva owns and operates a petroleum refinery located at 2100 Houston Avenue, 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. During an investigation on March 23, 2006, a TCEQ Beaumont Regional Office investigator documented that Motiva failed to identify that oxides of nitrogen ("NOx") and carbon monoxide ("CO") emissions had been generated during the February 17-18, 2006 event.
4. During an investigation on March 23, 2006, a TCEQ Beaumont Regional Office investigator documented that Motiva failed to maintain an emission rate below the authorized emission limit. Specifically, unauthorized emission of 673.89 pounds ("lbs") of sulfur dioxide ("SO₂") were released from the Tail Gas Treating Unit Number 2 Incinerator ("TGTU2") into the atmosphere on February 17-18, 2006. Additionally, the SO₂ concentration was not maintained below the maximum allowable limit of 250 parts per million ("ppm") during the emissions event. Since the emissions event could have been avoided with proper operation practices and was inadequately reported, Motiva failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation on February 15 – 28, 2006, a TCEQ Beaumont Regional Office investigator documented that Motiva failed to prevent unauthorized emission of 124,908 lbs of SO₂, 2,637 lbs of CO, 365 lbs of NOx, 334 lbs of hydrogen sulfide ("H₂S"), and 3,109 lbs of volatile organic compounds ("VOC") at DCU Flare (EPN:EDCU-1); 2,768 lbs of SO₂, 58 lbs of CO, 8.0 lbs of NOx, 7.0 lbs of H₂S and 36.8 lbs of VOC at CRU4 Flare (EPN:ECRU4); and 2,768 lbs of SO₂, 58.0 lbs of CO, 8.0 lbs of NOx, 7.0 lbs of H₂S and 36.8 lbs of VOC at VPS4 Flare (EPN:EVPS4) which began on February 14, 2006 at 07:31 a.m. and lasted for 10.85 hours. Since the emissions event could have been avoided and was determined to be excessive, Motiva failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. Motiva received notice of the violations on May 27, 2006 and July 22, 2006.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Motiva is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Motiva has failed to identify that NOx and CO emissions had been generated, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 4, Motiva has failed to maintain an emission rate below the authorized emission limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1),

116.715(a) and (c)(7); Air Permit No. 8404, Special Conditions ("SC") 9, XII-4, XII-13; 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i); and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Finding of Fact No. 5, Motiva has failed to prevent unauthorized emissions in violation of 30 TEX. ADMIN. CODE § 116.715(a) and (c)(7); 40 CFR § 60.104(a)(2)(i); Air Permit No. 8404, SC 9; and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Motiva 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.
6. An administrative penalty in the amount of eighteen thousand nine hundred forty-four dollars (\$18,944.00) 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. Motiva has paid eighteen thousand nine hundred forty-four dollars (\$18,944.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Motiva is assessed an administrative penalty in the amount of eighteen thousand nine hundred forty-four dollars (\$18,944.00) as set forth in Conclusion of Law No. 6 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Motiva'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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Motiva Enterprises LLC; Docket No. 2006-0613-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 undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, Motiva shall:
 - i. Develop and implement a Standard Operating Procedure that will ensure proper reporting of future emission events; and
 - ii. Implement measures designed to prevent the recurrence of an emissions event due to causes the same as those associated with the February 14 and February 17-18 2006 events.
- b. Within 45 days after the effective date of this Agreed Order, Motiva shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.

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 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:

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

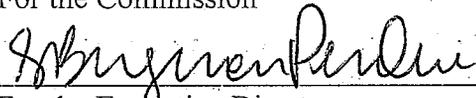
3. The provisions of this Agreed Order shall apply to and be binding upon Motiva. Motiva is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Motiva fails to comply with any of the Ordering Provisions 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 has 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.
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 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.
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 Motiva if the Executive Director determines that Motiva 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 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.

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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/4/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Motiva Enterprises, LLC. I represent that I am authorized to agree to the attached Agreed Order on behalf of Motiva Enterprises, 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, Motiva Enterprises, 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 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.

James Rume for Todd Manette
Signature

2/9/2007
Date

JAMES RUME
Name (printed or typed)
Authorized Representative
Motiva Enterprises LLC

Production Manager
Title