

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2193-AIR-E **TCEQ ID:** RN100716661 **CASE NO.:** 31881

RESPONDENT NAME: Pasadena Refining System, Inc.

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
<p>SITE WHERE VIOLATION(S) OCCURRED: Pasadena Refining System, 111 Red Bluff Road, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 14, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lindsey Jones, Enforcement Division, Enforcement Team 4, (512) 239-4930; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Eric Bluth, Chief Operating Officer, Pasadena Refining System, Inc., 111 Red Bluff Road, Pasadena, Texas 77506 Mr. Kurt Svend Larsen, Registered Agent, Pasadena Refining System, Inc., 111 Red Bluff Road, Pasadena, Texas 77506 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigations Relating to this Case: October 25, 2006 and November 29, 2006</p> <p>Date of NOEs Relating to this Case: November 16, 2006 and December 15, 2006(NOEs)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to submit an initial notification of an emissions event within the 24-hour period [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$20,438</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$20,438</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 Orders Justification: This is a Findings Order because the Respondent had three or more NOV's over the past five years.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that by February 16, 2007, PRS has implemented the following corrective measures at the Plant:</p> <p>a) To address timely reporting issues, PRS implemented and began training on the procedures of emissions event reporting including the determination of a reportable emissions event and the subsequent reporting of the emissions event to the TCEQ via STEERS within 24 hours from discovery; and</p> <p>b) To address the cause of the emissions events occurring at the Fluidized Catalytic Cracking Unit on August 12, 2006 and October 10, 2006, PRS corrected timely and on-line diagnostics of the surge control system to ensure proper operation of the surge controller, as well as, implemented a procedure for preventative maintenance so that calibration checks are performed when the compressor is down for planned maintenance.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

TCEQ

DATES	Assigned	20-Nov-2006	Screening	2-Dec-2006	EPA Due	17-Aug-2007
	PCW	9-Feb-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Pasadena Refining System, Inc.
Reg. Ent. Ref. No.	RN100716661
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	31881	No. of Violations	4
Docket No.	2006-2193-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Sherronda Martin
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,200
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	119% Enhancement	Subtotals 2, 3, & 7	\$12,138
---------------------------	------------------	--------------------------------	----------

Notes
Compliance history site enhancement due to 10 NOVs for the same or similar violations, 10 NOVs with non similar violations, and two consent decree/court orders. The penalty was reduced by one Notice of Audit.

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

Notes
Respondent does not meet the 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 x)

Notes
The Respondent does not meet the good faith criteria because compliance was achieved after the initial settlement offer was made.

	0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$74	<i>*Capped at the Total EB \$ Amount</i>	
Approx. Cost of Compliance	\$3,400		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,338
-----------------------------	-----------------------	----------

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 \$22,338

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,438
-----------------------------------	-------------------------------	----------

DEFERRAL		Reduction	Adjustment	\$0
-----------------	--	-----------	-------------------	-----

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$20,438
------------------------	----------

Screening Date 2-Dec-2006

Docket No. 2006-2193-AIR-E

PCW

Respondent Pasadena Refining System, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31881

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100716661

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 119%

>> 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

Compliance history site enhancement due to 10 NOVs for the same or similar violations, 10 NOVs with non similar violations, and two consent decree/court orders. The penalty was reduced by one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 119%

Screening Date 2-Dec-2006

Docket No. 2006-2193-AIR-E

PCW

Respondent Pasadena Refining System, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31881

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100716661

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1 and Tex. Health and Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a 10 hour and 41 minute emissions event on August 12, 2006. Specifically, the unauthorized release, occurring at the Fluidized Catalytic Cracking Unit, consisted of 5,513 pounds ("lbs") of particulate matter, 276 lbs of nitrogen oxides, 106 lbs of sulfur dioxide, and 120 lbs of carbon monoxide, and 54 lbs of volatile organic compounds. Since these emissions could have been avoided by better operation and maintenance practices, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense. This violation was documented during an investigation conducted on October 25, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$10,950

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

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc.
Case ID No.: 31881
Reg. Ent. Reference No.: RN100716661
Media: 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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	12-Aug-2006	16-Feb-2007	0.5	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to improve the procedures, equipment, and communications that contributed to the emissions event. The Date Required is the date of the emissions event and the Final Date is the date compliance was achieved.

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

\$1,500

TOTAL

\$39

Screening Date 2-Dec-2006

Docket No. 2006-2193-AIR-E

PCW

Respondent Pasadena Refining System, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31881

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100716661

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health and Safety Code 382.085(b)

Violation Description

Failed to submit a timely emissions event report. Specifically, the initial report for an emissions event that occurred beginning August 12, 2006 was not submitted until August 14, 2006. The violation was documented during an investigation conducted on October 25, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

Respondent complied with more than 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 1 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$219

This violation Final Assessed Penalty (adjusted for limits) \$219

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc.
Case ID No: 31881
Reg. Ent. Reference No: RN100716661
Media: 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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Aug-2006	16-Feb-2007	0.5	\$5	n/a	\$5
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 to improve reporting procedures. The Date Required is the date the report was due and the Final Date is the date compliance was achieved.

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

\$200

TOTAL

\$5

Screening Date 2-Dec-2006

Docket No. 2006-2193-AIR-E

PCW

Respondent Pasadena Refining System, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31881

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100716661

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1 and Tex. Health and Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a 28 hour and 10 minute emissions event on October 10, 2006. Specifically, the unauthorized release, occurring at the Fluidized Catalytic Cracking Unit, consisted of 2,453 pounds ("lbs") of particulate matter, 447 lbs of nitrogen oxides, 2,255 lbs of sulfur dioxide, and 3,924 lbs of volatile organic compounds. Since PRS failed to submit the initial emissions event report in a timely manner, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense. This violation was documented during an investigation conducted on November 29, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 2 Number of violation days

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

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$10,950

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

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc.
Case ID No. 31881
Reg. Ent. Reference No. RN100716661
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	10-Oct-2006	16-Feb-2007	0.4	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to improve the procedures, equipment, and communications that contributed to the emissions event. The Date Required is the date of the emissions event and the Final Date is the date compliance was achieved.

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

\$1,500

TOTAL

\$27

Screening Date 2-Dec-2006

Docket No. 2006-2193-AIR-E

PCW

Respondent Pasadena Refining System, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31881

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN100716661

Media [Statute] Air Quality

Enf. Coordinator Sherronda Martin

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health and Safety Code 382.085(b)

Violation Description

Failed to submit a timely emissions event report. Specifically, the initial report for an emissions event that occurred beginning October 10, 2006 at 9:50 a.m. was not submitted until 10:30 a.m. on October 11, 2006. The violation was documented during an investigation conducted on November 29, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Respondent complied with more than 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$219

This violation Final Assessed Penalty (adjusted for limits) \$219

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc.
Case ID No.: 31881
Reg. Ent. Reference No.: RN100716661
Media: Air Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	11-Oct-2006	16-Feb-2007	0.4	\$4	n/a	\$4
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 to improve reporting procedures. The Date Required is the date the report was due and the Final Date is the date compliance was achieved.

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

\$200

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator: CN602779951 Pasadena Refining System, Inc. Classification: AVERAGE Rating: 13.52
 Regulated Entity: RN100716661 PASADENA REFINING SYSTEM Classification: AVERAGE Site Rating: 13.52

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0175D
	AIR OPERATING PERMITS	PERMIT	1544
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008091290
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30311
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50112
	WASTEWATER	PERMIT	WQ0000574000
	WASTEWATER	PERMIT	TPDES0004626
	WASTEWATER	PERMIT	TX0004626
	AIR NEW SOURCE PERMITS	PERMIT	3776
	AIR NEW SOURCE PERMITS	PERMIT	4160
	AIR NEW SOURCE PERMITS	PERMIT	4805
	AIR NEW SOURCE PERMITS	PERMIT	5639
	AIR NEW SOURCE PERMITS	PERMIT	5953
	AIR NEW SOURCE PERMITS	PERMIT	6059
	AIR NEW SOURCE PERMITS	PERMIT	12244
	AIR NEW SOURCE PERMITS	PERMIT	12421
	AIR NEW SOURCE PERMITS	PERMIT	12928
	AIR NEW SOURCE PERMITS	PERMIT	13051
	AIR NEW SOURCE PERMITS	PERMIT	13494
	AIR NEW SOURCE PERMITS	PERMIT	14097
	AIR NEW SOURCE PERMITS	PERMIT	14133
	AIR NEW SOURCE PERMITS	PERMIT	20246
	AIR NEW SOURCE PERMITS	PERMIT	21261
	AIR NEW SOURCE PERMITS	PERMIT	22039
	AIR NEW SOURCE PERMITS	PERMIT	26891
	AIR NEW SOURCE PERMITS	PERMIT	29623
	AIR NEW SOURCE PERMITS	PERMIT	44511
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0175D
	AIR NEW SOURCE PERMITS	REGISTRATION	75825
	AIR NEW SOURCE PERMITS	REGISTRATION	76022
	AIR NEW SOURCE PERMITS	PERMIT	76192
	AIR NEW SOURCE PERMITS	AFS NUM	0006
	AIR NEW SOURCE PERMITS	REGISTRATION	74742
	AIR NEW SOURCE PERMITS	PERMIT	5953
	AIR NEW SOURCE PERMITS	REGISTRATION	15114
	AIR NEW SOURCE PERMITS	REGISTRATION	23453
	AIR NEW SOURCE PERMITS	REGISTRATION	24103
	AIR NEW SOURCE PERMITS	REGISTRATION	24413
	AIR NEW SOURCE PERMITS	REGISTRATION	29038
	AIR NEW SOURCE PERMITS	REGISTRATION	29628
	AIR NEW SOURCE PERMITS	REGISTRATION	37094
	AIR NEW SOURCE PERMITS	REGISTRATION	37366
	AIR NEW SOURCE PERMITS	REGISTRATION	38901
	AIR NEW SOURCE PERMITS	REGISTRATION	42375
	AIR NEW SOURCE PERMITS	REGISTRATION	42719
	AIR NEW SOURCE PERMITS	REGISTRATION	43721
	AIR NEW SOURCE PERMITS	REGISTRATION	45156
	AIR NEW SOURCE PERMITS	REGISTRATION	53208
	AIR NEW SOURCE PERMITS	REGISTRATION	54536
	AIR NEW SOURCE PERMITS	REGISTRATION	54538
	AIR NEW SOURCE PERMITS	REGISTRATION	56389
	AIR NEW SOURCE PERMITS	REGISTRATION	71605
	AIR NEW SOURCE PERMITS	REGISTRATION	77074
	AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	HG0175D
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30311
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50112
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50112

Location: 111 RED BLUFF RD, PASADENA, TX, 77506 Rating Date: 9/1/2006 Repeat Violator: NO
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: January 11, 2007
 Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

January 11, 2002 to January 11, 2007

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

Name: Shehrona Martin

Phone: 713-767-3680

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? Yes

3. If Yes, who is the current owner?

Pasadena Refining System, Inc

4. If Yes, who was/were the prior owner(s)?

Crown Central Petroleum Corporation

5. When did the change(s) in ownership occur?

01/25/2005

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: 04/07/2006

COURTORDER

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: Emission Sources - MAERT PERMIT

Description: Crown failed to comply with the Emission Sources MAERT as authorized by the permit for Tank No. 332 (EPN T-332).

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: Emission Sources - MAERT PERMIT

Description: Crown failed to comply with the Emission Sources MAERT as authorized by the permit for Reformer No. 3 (EPN HTREF2631).

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	12/17/2002	(157313)
2	07/17/2002	(4290)
3	05/07/2002	(137116)
4	04/05/2002	(137115)
5	03/26/2002	(137114)
6	01/22/2002	(157316)
7	03/05/2002	(137113)
8	02/26/2002	(137112)
9	01/17/2003	(157317)
10	05/07/2002	(128728)
11	02/15/2002	(137111)
12	04/05/2002	(128727)
13	03/26/2002	(128726)
14	03/05/2002	(128725)
15	02/26/2002	(128724)
16	10/19/2004	(335210)
17	02/15/2002	(128723)
18	01/25/2002	(137110)
19	01/25/2002	(137109)
20	02/10/2006	(468282)
21	12/20/2004	(274159)
22	01/24/2002	(137108)
23	03/13/2006	(468283)
24	01/23/2002	(137107)
25	05/26/2006	(462753)
26	01/18/2002	(137106)
27	10/14/2005	(468284)
28	07/11/2005	(440748)

29	01/25/2002	(128722)
30	01/25/2002	(128721)
31	11/21/2005	(468285)
32	08/25/2005	(440749)
33	01/24/2002	(128720)
34	12/22/2005	(468286)
35	09/12/2005	(440750)
36	01/23/2002	(128719)
37	02/17/2004	(295040)
38	11/07/2003	(253579)
39	08/10/2005	(373721)
40	01/18/2002	(128718)
41	01/20/2006	(468287)
42	03/31/2004	(295042)
43	02/27/2006	(418333)
44	04/26/2004	(295043)
45	09/01/2006	(482950)
46	12/21/2006	(533545)
47	12/17/2004	(338853)
48	12/12/2006	(532836)
49	05/17/2004	(295045)
50	05/23/2006	(462971)
51	12/27/2004	(289044)
52	07/31/2003	(295048)
53	02/22/2005	(381777)
54	09/22/2003	(295050)
55	08/09/2002	(4102)
56	12/23/2004	(381778)
57	02/14/2006	(454565)
58	05/11/2006	(457075)
59	01/17/2005	(381779)
60	02/08/2006	(454548)
61	09/22/2003	(295052)
62	10/08/2003	(249305)
63	10/17/2003	(295054)
64	04/20/2006	(498096)
65	11/21/2003	(295055)
66	05/18/2006	(498097)
67	01/07/2005	(338863)
68	12/22/2003	(295056)
69	07/28/2004	(351953)
70	08/31/2002	(7881)
71	06/22/2006	(498098)
72	01/26/2003	(295057)
73	02/27/2006	(407010)
74	07/26/2004	(351954)
75	10/13/2006	(512280)
76	06/30/2006	(483478)
77	07/22/2005	(394059)
78	07/17/2002	(4539)
79	12/17/2004	(338865)
80	08/23/2004	(351955)
81	08/17/2005	(403174)
82	08/08/2002	(246514)
83	07/30/2002	(1884)
84	09/20/2004	(351956)
85	03/23/2004	(264460)
86	07/08/2003	(60369)
87	01/31/2002	(286463)
88	08/24/2005	(403097)
89	05/22/2006	(462966)
90	10/21/2004	(351957)
91	02/12/2002	(157276)
92	02/13/2003	(157277)
93	11/24/2004	(351958)
94	08/31/2002	(7863)
95	03/15/2002	(157279)
96	06/30/2006	(483088)
97	03/14/2003	(157280)
98	10/08/2003	(248976)
99	11/22/2004	(338866)
100	12/20/2006	(533720)
101	08/13/2004	(277198)
102	09/25/2003	(249564)
103	10/05/2006	(513823)

104	04/19/2002	(157284)
105	01/07/2005	(338846)
106	09/15/2006	(490299)
107	04/22/2003	(157285)
108	11/29/2004	(339524)
109	10/08/2003	(249236)
110	01/18/2002	(103025)
111	06/30/2004	(273377)
112	01/23/2002	(103026)
113	06/20/2002	(157288)
114	01/24/2002	(103027)
115	06/27/2003	(40856)
116	01/25/2002	(103028)
117	05/20/2003	(157289)
118	12/20/2004	(338847)
119	12/22/2004	(338872)
120	01/25/2002	(103029)
121	09/15/2006	(510015)
122	08/13/2004	(277250)
123	01/07/2005	(338882)
124	04/12/2005	(377273)
125	06/20/2002	(157292)
126	12/17/2004	(338855)
127	06/27/2002	(2903)
128	05/22/2006	(459365)
129	02/15/2002	(103030)
130	06/16/2003	(157293)
131	02/26/2002	(103031)
132	03/05/2002	(103032)
133	03/16/2005	(348878)
134	03/26/2002	(103033)
135	07/05/2005	(394416)
136	02/27/2006	(407360)
137	04/05/2002	(103034)
138	05/07/2002	(103035)
139	01/07/2005	(339594)
140	11/16/2006	(517348)
141	07/02/2004	(278046)
142	07/22/2002	(157296)
143	06/30/2004	(272332)
144	01/27/2004	(257474)
145	07/21/2006	(520114)
146	08/04/2004	(275287)
147	08/21/2006	(520115)
148	08/16/2002	(157299)
149	05/07/2002	(121735)
150	01/18/2002	(123706)
151	09/27/2006	(520116)
152	01/23/2002	(123707)
153	04/05/2002	(121734)
154	01/24/2002	(123708)
155	03/26/2002	(121733)
156	03/23/2005	(419605)
157	01/25/2002	(123709)
158	03/05/2002	(121732)
159	04/15/2005	(419606)
160	01/25/2002	(123710)
161	02/26/2002	(121731)
162	08/31/2004	(282637)
163	09/27/2002	(157302)
164	02/15/2002	(121730)
165	05/11/2005	(419607)
166	08/31/2002	(7823)
167	06/20/2005	(419608)
168	08/24/2002	(4918)
169	12/05/2002	(13628)
170	02/15/2002	(123711)
171	02/26/2002	(123712)
172	10/25/2002	(157305)
173	03/05/2002	(123713)
174	01/25/2002	(121729)
175	03/26/2002	(123714)
176	04/05/2002	(123715)
177	01/25/2002	(121728)

178 01/03/2005 (338875)
 179 08/13/2004 (277929)
 180 05/07/2002 (123716)
 181 01/24/2002 (121727)
 182 10/19/2004 (335752)
 183 01/23/2002 (121726)
 184 08/24/2002 (4919)
 185 01/18/2002 (121725)
 186 11/26/2002 (157309)
 187 07/31/2006 (484233)
 188 10/08/2003 (248881)

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

Date: 06/22/2002 (2903)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(a)
 Description: Failure to collect effluent sample at a correct location.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to follow a correct sampling procedure.
 Date: 01/30/2002 (137110,128722, 103029, 123710,
 121729)

Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: UNAUTH EMISSIONS CIVIL

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.6[G]
 Description: NOTIFICATION MAJ UPSET

Date: 05/31/2006 (462753)
 Self Report? NO 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 comply with the EE reporting requirements.
 Date: 10/09/2003 (249236)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(I)
 30 TAC Chapter 101, SubChapter F 101.211(b)(9)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: PERMIT IA
 Description: Failure to state authorized limits on the initial notification and final report of scheduled maintenance.
 Non-exempted emissions from Tank 818.
 Date: 05/11/2006 (457075)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT IA
 Description: Failure to prevent excess opacity.
 Date: 08/08/2002 (246514)

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: 02/28/2003 (157280)

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: 03/31/2002 (157284)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2003 (40856)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA IA
 Description: NOx emissions from EPN: RH-2631 exceeded the permit allowable limit of 0.06 pounds per Million Btu heat input.
 Date: 12/20/2004 (274159)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to submit notification within 24 hours from discovery of emissions event.
 Date: 10/09/2003 (248976)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(8)
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(E)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT IA
 Description: Failure to state authorized opacity limit on notification of excess opacity event. Non-exempted emissions from Boiler No. 10.
 Date: 06/30/2006 (483088)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to prevent unauthorized emissions.
 Date: 10/09/2003 (248881)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 Rqmt Prov: PERMIT IA
 Description: Failure to submit initial notification within 24 hours of start of emissions event. Non-exempted emissions from Fluidized Catalytic Cracking Unit.
 Date: 07/31/2006 (484233)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT IA
 Description: Failure to prevent unauthorized emissions.
 Date: 10/31/2002 (157309)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.
 Notice of Intent Date: 05/16/2005 (396204)
 No DOV Associated

G. Type of environmental management systems (EMSs).
 N/A

H. Voluntary on-site compliance assessment dates.
 N/A

I. Participation in a voluntary pollution reduction program.
 N/A

J. Early compliance.
 N/A

Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PASADENA REFINING SYSTEM, INC.
RN100716661**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-2193-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Pasadena Refining System, Inc. (“PRS”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and PRS presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon PRS.

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

I. FINDINGS OF FACT

1. PRS owns and operates a petroleum refinery at 111 Red Bluff Road in Pasadena, Harris 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 October 25, 2006, TCEQ staff documented that PRS failed to prevent an unauthorized emissions event that occurred on August 12, 2006. Specifically, the unauthorized release, occurring at the Fluidized Catalytic Cracking Unit, consisted of 5,513 pounds ("lbs") of particulate matter, 276 lbs of nitrogen oxides, 106 lbs of sulfur dioxide, and 120 lbs of carbon monoxide, and 54 lbs of volatile organic compounds. The duration of the emissions event was 10 hours and 41 minutes. Since these emissions could have been avoided by better operation and maintenance practices, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense.
4. During an investigation on October 25, 2006, TCEQ staff documented that PRS failed to submit an initial notification of an emissions event within the 24-hour period for an emissions event that occurred on August 12, 2006 at the Fluidized Catalytic Cracking Unit. Specifically, the notification was not submitted until August 14, 2006.
5. During an investigation on November 29, 2006, TCEQ staff documented that PRS failed to prevent an unauthorized emissions event that occurred on October 10, 2006. Specifically, the unauthorized release, occurring at the Fluidized Catalytic Cracking Unit, consisted of 2,453 lbs of particulate matter, 447 lbs of nitrogen oxides, 2,255 lbs of sulfur dioxide, and 3,924 lbs of volatile organic compounds. The duration of the emissions event was 28 hours and 10 minutes. Since PRS failed to submit the initial emissions event report in a timely manner, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense.
6. During an investigation on November 29, 2006, TCEQ staff documented that PRS failed to submit an initial notification of an emissions event within the 24-hour period for an emissions event that occurred beginning October 10, 2006 at the Fluidized Catalytic Cracking Unit. Specifically, the notification was due October 11, 2006 at 9:50 a.m. and was not submitted until 10:30 a.m. on October 11, 2006.
7. PRS received notice of the violations on November 21, 2006 and December 20, 2006.
8. The Executive Director recognizes that by February 16, 2007, PRS has implemented the following corrective measures at the Plant:
 - a. To address timely reporting issues, PRS implemented and began training on the procedures of emissions event reporting including the determination of a reportable emissions event and the subsequent reporting of the emissions event to the TCEQ via STEERS within 24 hours from discovery; and
 - b. To address the cause of the emissions events occurring at the Fluidized Catalytic Cracking Unit on August 12, 2006 and October 10, 2006, PRS corrected timing and on-line diagnostics of the surge control system to ensure proper operation of the surge



controller, as well as, implemented a procedure for preventative maintenance so that calibration checks are performed when the compressor is down for planned maintenance.

II. CONCLUSIONS OF LAW

1. PRS 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 Findings of Fact No. 3, PRS failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, PRS failed to submit an initial notification of an emissions event within the 24-hour period, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, PRS failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, PRS failed to submit an initial notification of an emissions event within the 24-hour period, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against PRS 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.
7. An administrative penalty in the amount of Twenty Thousand Four Hundred Thirty-Eight Dollars (\$20,438) 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. PRS has paid the Twenty Thousand Four Hundred Thirty-Eight Dollar (\$20,438) administrative penalty.

III. ORDERING PROVISIONS

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

1. PRS is assessed an administrative penalty in the amount of Twenty Thousand Four Hundred Thirty-Eight Dollars (\$20,438) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and PRS's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained

in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pasadena Refining System, Inc., Docket No. 2006-2193-AIR-E" to:

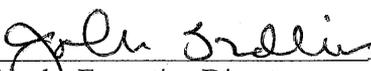
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon PRS. PRS is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. 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 PRS if the Executive Director determines that PRS has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against PRS 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.
6. 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.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 8/23/2007

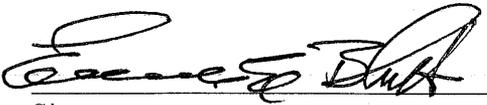
I, the undersigned, have read and understand the attached Agreed Order in the matter of Pasadena Refining System, Inc. I am authorized to agree to the attached Agreed Order on behalf of Pasadena Refining System, Inc., and do agree to the specified terms and conditions. I further acknowledge that the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

I understand that by entering into this Agreed Order, Pasadena Refining System, Inc. 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.



Signature

Date 8/8/2007

Mr. Eric Bluth
Name (Printed or typed)
Authorized Representative of
Pasadena Refining System, Inc.

Chief Operating Officer
Title

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

Faint header text at the top of the page, possibly including a date or reference number.

First main paragraph of text, starting with a faint opening word.

Second main paragraph of text, continuing the narrative or report.

Third main paragraph of text, providing further details.

Fourth main paragraph of text, possibly a transition or a new point.

Fifth main paragraph of text, continuing the flow of information.

Sixth main paragraph of text, possibly concluding a section.

Seventh main paragraph of text, with some faint markings.

Eighth main paragraph of text, appearing as a shorter block.

Ninth main paragraph of text, possibly a final paragraph or a note.

Faint footer text at the bottom of the page.