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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0674-MLM-E **TCEQ ID:** RN100218130 **CASE NO.:** 35779
RESPONDENT NAME: Houston Refining LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input checked="" 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 checked="" 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: Houston Refining, 12000 Lawndale Street, Houston, Harris County</p> <p>TYPE OF OPERATION: Refinery and associated wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0790-AIR-E and 2008-0894-AIR-E.</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 September 15, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jerry Barnhill, Health, Safety and Environmental Manager, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252 Mr. James B. Roecker, Divisional Vice President, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252 Respondent's Attorney: Ms. Jennifer Keane, Attorney, Baker Botts L.L.P., 1500 San Jacinto Center, San Jacinto Boulevard, Austin, Texas, 78701-4078</p>		

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2008 SEP 22 AM 11:36
 CHIEF CLERKS OFFICE

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 checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 3 through 12, 2006; June 13, 2007; October 25, 2007; April 1, 2008; and March 24, 2007</p> <p>Date of NOV/NOE Relating to this Case: March 9, May 2, July 3, and November 9, 2007, and April 22, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation and a record review.</p> <p>AIR/WATER</p> <p>1) Failure to operate six cooling tower heat exchange system Highly-Reactive Volatile Organic Compound ("HRVOC") analyzers for the minimum 95% of the required operating time from April 1, 2006 through January 31, 2007 [30 TEX. ADMIN. CODE §§ 115.764(a)(3) and (6) and 122.143(4), Federal Operating Permit ("FOP") No. O-01372, Special Terms and Conditions ("SC") I.H.(iv), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to perform daily/zero span checks on the sulfur dioxide analyzer on the 435 Unit when the Respondent ran out of calibration gas and the repair exceeded the maximum of five days from November 25, 2005 through December 2, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.13(d)(1), FOP No. O-01372, SC 12F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to demonstrate that flares were operated with a continuously operating pilot light. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0005) on September 19, 2005; Plant Flare No. 3 (338K0007) on November 17, 2005, December</p>	<p>Total Assessed: \$481,105</p> <p>Total Deferred: \$96,221 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$192,442</p> <p>Total Paid to General Revenue: \$192,442</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>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. By January 31, 2007, made all repairs and adjustments to cooling tower heat exchange system HRVOC analyzers to make them fully operational;</p> <p>b. By December 2, 2005, received a new shipment of calibration gas and repaired the sulfur dioxide analyzer on the 435 Unit;</p> <p>c. On the same days that monitoring showed outages, verified that all flare pilot lights were on;</p> <p>d. By April 28, 2006, replaced the plugs on 13 open-ended lines;</p> <p>e. By December 31, 2005, provided additional training to ensure that monthly visual inspections were performed on all drain systems;</p> <p>f. By December 13, 2005 adjusted the wet gas scrubber operating parameters to work properly after the December 4, 2005 startup, and in May 2006, made process adjustments until the cooling water line could be repaired and replaced on May 27, 2006;</p> <p>g. On November 28, 2005, replaced the carbon in the carbon canister that had breakthrough;</p> <p>h. On January 10, 2006, replaced the run-time meter on the firewater pump at Dock A;</p> <p>i. On July 7 and August 3, 2005, performed required semi-annual seal inspections on Tank Nos. 32TK0854 and 137TK0412, respectively;</p> <p>j. On February 22, 2006, performed the required seal gap inspection on Tank No. 137TK0890;</p>

<p>1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(2), New Source Review Permit ("NSRP") No. 2167, Special Condition ("SC") 29, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to cap 13 open-ended valves/lines with either a cap, plug, blind flange or other sealing device [30 TEX. ADMIN. CODE §§ 101.20(1), 115.352(4), 116.115(c), and 122.143(4), 40 CFR § 60.482-6(a)(1), NSRP No. 2167, SC 14E, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to perform monthly visual inspections on individual drain systems. Specifically, during September and October 2005, one and five drain inspections were missed, respectively [30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CFR § 60.692-2(a)(2), FOP No. O-01372, SC 1A and 13B, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet ("16.0 gal/1,000 ft³"). Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1,000 ft³, and the minimum pressure drop fell below 0.91 psi from May 25 through 27, 2006 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSRP No. 2167, SC 44B, FOP No. O-01372, SC 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to change out the carbon from a carbon canister immediately after breakthrough was discovered on November 21, 2005 [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.354(d), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to operate a continuous run-time meter for the firewater pump at Dock A from July 1, 2005 through January 10, 2006 [30 TEX. ADMIN. CODE §§ 117.213(g)(1)(B)(ii)(I) and 122.143(4), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to perform the required semi-annual seal inspection on volatile organic compound ("VOC") storage tanks. Specifically, the Respondent failed to do semi-annual seal inspections on Tank No. 137TK0412 from June 8, 2005 to August 3, 2005 and 32TK0854 from December 6, 2004 to July 7, 2005 [30 TEX. ADMIN. CODE §§ 115.144(2)(C) and 122.143(4),</p>		<p>k. In July 2005, replaced LDAR monitoring contractor, and by December 31, 2006 finished identifying and retagging all components properly, entered missing components into the fugitive emission monitoring system database, and monitored all components;</p> <p>l. By December 31, 2005, completed repairs and reinspections of the eight components found leaking during AVO inspections, updated databases with repair dates, and updated procedures for AVO monitoring;</p> <p>m. By September 12, 2005, repaired two valves found leaking on August 11, 2005 and coached data entry clerk and repair technician on the criticality of tracking open leaks and proper data entry;</p> <p>n. By May 16, 2006, repaired the leaking valves and connectors in HRVOC service found leaking March 8 through May 3, 2006 and coached staff;</p> <p>o. On January 15, 2006, adjusted processes to prevent visible emissions until repairs on the 536 F-1B IDAP were completed on March 20, 2006;</p> <p>p. On December 31, 2006, completed the written monitoring plan for continuous monitoring systems; and</p> <p>q. On July 19, 2006, completed testing of 32 HRVOC analyzers on service heater stacks.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete two Supplemental Environmental Projects (SEPs). (See SEP Attachments A and B)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to ensure the proper reporting of the quantity of unauthorized emissions released during emissions events;</p> <p>ii. Submit a revised final report, listing accurate unauthorized emission quantities, for the May 28, 2007 emissions event;</p>
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FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10) Failure to perform the required seal gap inspection on Tank No. 137TK0890 within 60 days of tank refilling. Specifically, the tank was put back into service on August 24, 2005 after being out of service more than two years for extensive repairs and a seal gap inspection was not conducted by October 23, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.113b(b)(1)(ii), NSRP No. 2167, SC 20D, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11) Failure to perform routine leak detection and repair ("LDAR") monitoring on the Tank 669 East transfer pump from July 1, 2005 through November 15, 2005 and on two pumps in the 734 Benzene Toluene Unit during the first and second quarters of 2005 [30 TEX. ADMIN. CODE §§ 101.20(2), 115.354(2)(B), and 122.143(4), 40 CFR § 63.163(b)(1), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12) Failure to repair eight individual component leaks found during audio visual olfactory ("AVO") inspections within 15 calendar days from July 26, 2005 through December 31, 2005 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.482-8(c), NSRP No. 2167, SC 14I and 15H, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13) Failure to repair two leaking valves in Hazardous Organic National Emission Standards for Hazardous Air Pollutants ("HON") service within 15 calendar days. Specifically, the valves were found leaking on August 11, 2005 and were repaired on September 12, 2005 [30 TEX. ADMIN. CODE §§ 101.20(2), 115.352(2), and 122.143(4), 40 CFR § 63.168(f)(1), NSRP No. 2167, SC 14I and 15H, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14) Failure to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006. Specifically, the Respondent failed to monitor 71 valves on the 135 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the Fluid Catalytic Cracking Unit ("FCCU"), and three valves in the 536, 537, and 736 Units from July 1, 2005 through December 31, 2005 [30 TEX. ADMIN. CODE §§ 101.20(2), 115.354(2)(C), 116.115(c), and 122.143(4), 40 CFR § 63.168(f)(1), NSRP No. 2167, SC 15F, FOP No.

iii. Implement measures designed to ensure the proper reporting of emissions events within 24 hours of discovery; and

iv. Implement measures designed to prevent the reoccurrence of emissions due to the same causes as that of the October 9, 2007 and March 19, 2008 emissions events.

b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.i-iv. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000392000. The certification shall be as described in Ordering Provision No. 3.b., with a copy to the "Water Section, Manager" instead of "Air Section, Manager."

O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15) Failure to perform initial monitoring of approximately 651 connectors in HRVOC service. Specifically, approximately 350 Black Lake Unit and Propane/Propylene Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 301 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006 [30 TEX. ADMIN. CODE §§ 115.781(b)(3) and 122.143(4), FOP No. O-01372, SC 1.H(v), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16) Failure to record all the required monitoring data for 236 HRVOC-service valves in July 2005 on the 736 Unit. Specifically, due to data logger failure, the same date and time of monitoring was recorded for 236 valves instead of the exact date and time of the monitoring of each valve. Non-leaking valves were given the same default readings but leaking valves had the correct readings [30 TEX. ADMIN. CODE §§ 115.781(g)(1) and 122.143(4), FOP No. O-01372, SC 1.H(v), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17) Failure to repair three valves and two connectors in HRVOC service within seven days. Specifically, the Respondent failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 938 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006 [30 TEX. ADMIN. CODE §§ 115.782(b)(1) and 122.143(4), FOP No. O-01372, SC 1.H(v), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18) Failure to monitor 406 valves on the Paraxylene Recovery Unit ("PRU"), including valves in HON service, during first quarter 2005, 551 HON-service valves on the PRU during the second quarter 2005, and 26 HON-service valves on the 934 Unit during the third quarter 2005 [30 TEX. ADMIN. CODE §§ 101.20(2), 115.354(2)(C), 116.115(c), and 122.143(4), 40 CFR § 63.168(d)(2), NSRP No. 2167, SC 15F, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19) Failure to prevent visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 536 F-1B forced draft dampener position ("IDAP") failed causing the heater oxygen to fall causing visible smoke from the heater stack [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B) and 122.143(4), FOP No. O-

01372, SC 3(B)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20) Failure to complete a written monitoring plan for continuous monitoring systems by December 31, 2005 [30 TEX. ADMIN. CODE §§ 115.725(a)(4) and 122.143(4), FOP No. O-01372, SC 1.H(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21) Failure to test 32 HRVOC analyzers on 32 HRVOC-service heater stacks by January 30, 2006 [30 TEX. ADMIN. CODE §§ 115.725(a)(1)(B) and 122.143(4), FOP No. O-01372, SC 1.H(i) and (ii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

22) Failure to prevent unauthorized emissions. Specifically, the Respondent released 2,781 pounds ("lbs") of nitrogen oxide ("NO_x") from the Fluid Catalytic Cracking Unit during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, the Respondent failed to meet the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSRP No. 2167, SC No. 1].

23) Failure to properly report the amount of unauthorized NO_x emissions released as a result of the May 28, 2007 emissions event [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

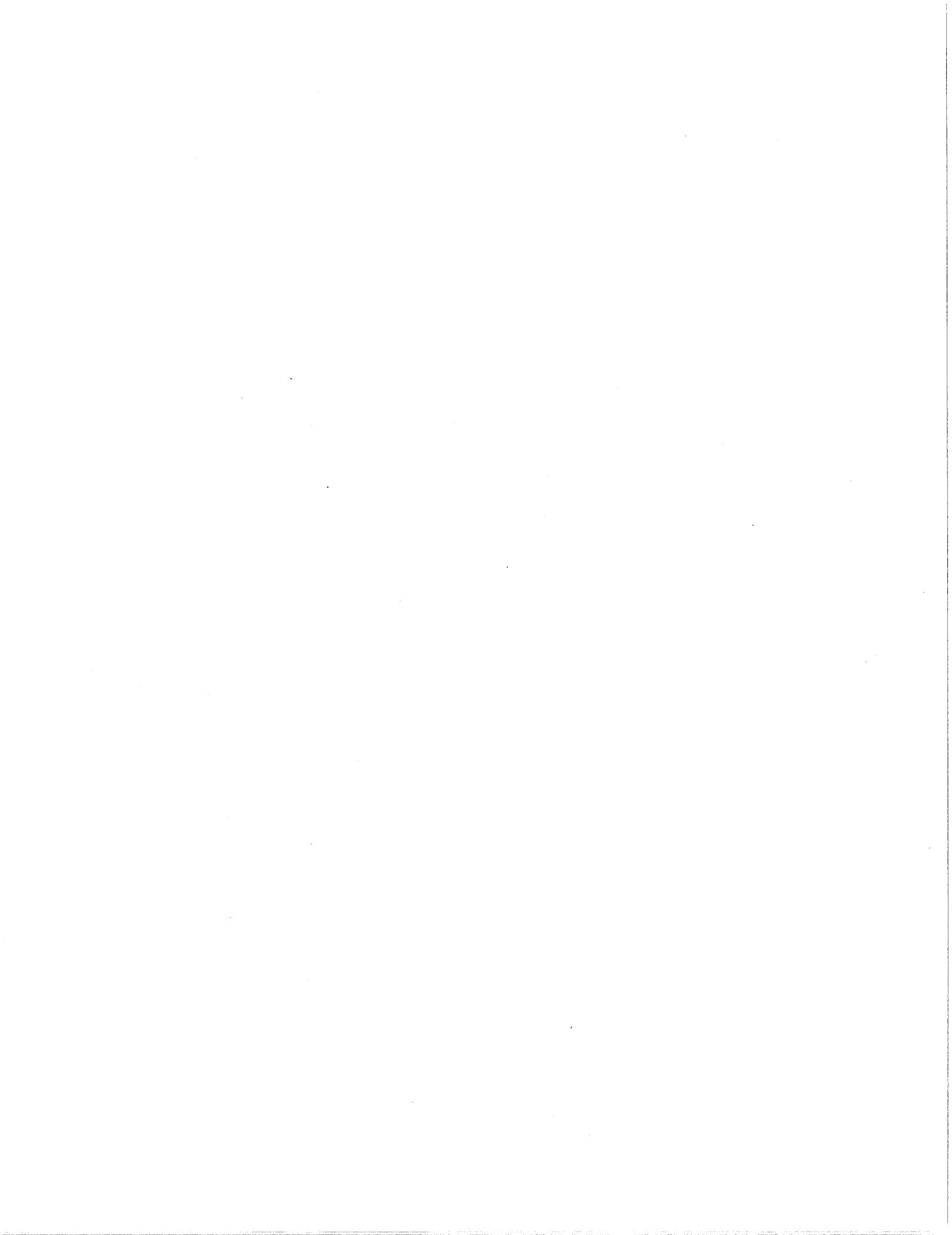
24) Failure to submit the initial notification for the May 28, 2007 emissions event in a timely manner. Specifically, the report, which was due May 29, 2007, was not submitted until May 31, 2007 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

25) Failure to prevent unauthorized emissions. Specifically, the Respondent released 1,500 lbs of VOC, including 1,019 lbs of the HRVOC propylene from the Butane Recovery Unit during an emissions event that began October 9, 2007 and lasted two hours. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSRP No. 2167, SC No. 1].

26) Failure to prevent unauthorized emissions. Specifically, during a March 19, 2008 emissions event the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 lbs of sulfur dioxide,

<p>1,902 lbs of VOC, 1,079 lbs of carbon monoxide, 154 lbs of NO_x, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.715(a), NSRP No. 2167, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>27) Failure to comply with the permitted effluent limits for total suspended solids and oil and grease [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000392000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Nos. 1 and 2 for Outfall 002A, and No. 1 for Outfall 003A].</p>		
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Additional ID No(s): HG0048L and WQ0000392000



Attachment A
Docket Number: 2008-0674-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Houston Refining LP
Payable Penalty Amount:	Three Hundred Eighty-Four Thousand Eight Hundred Eighty-Four Dollars (\$384,884)
SEP Amount:	Ninety-Six Thousand Two Hundred Twenty-One Dollars (\$96,221)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Harris County

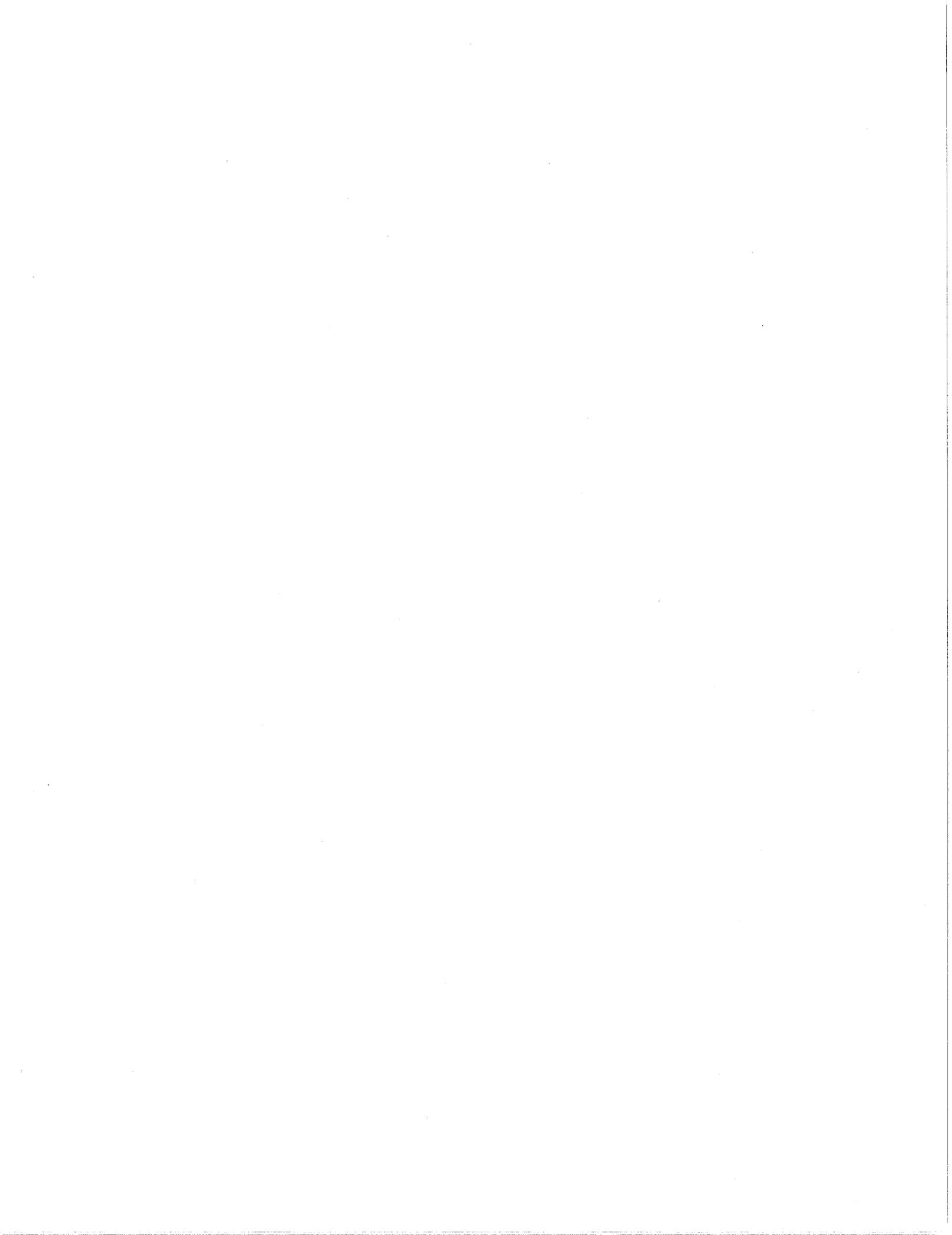
The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned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

1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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



B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Texas Commission on Environmental Quality

Houston Refining LP
Agreed Order - Attachment A

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

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

5. Publicity

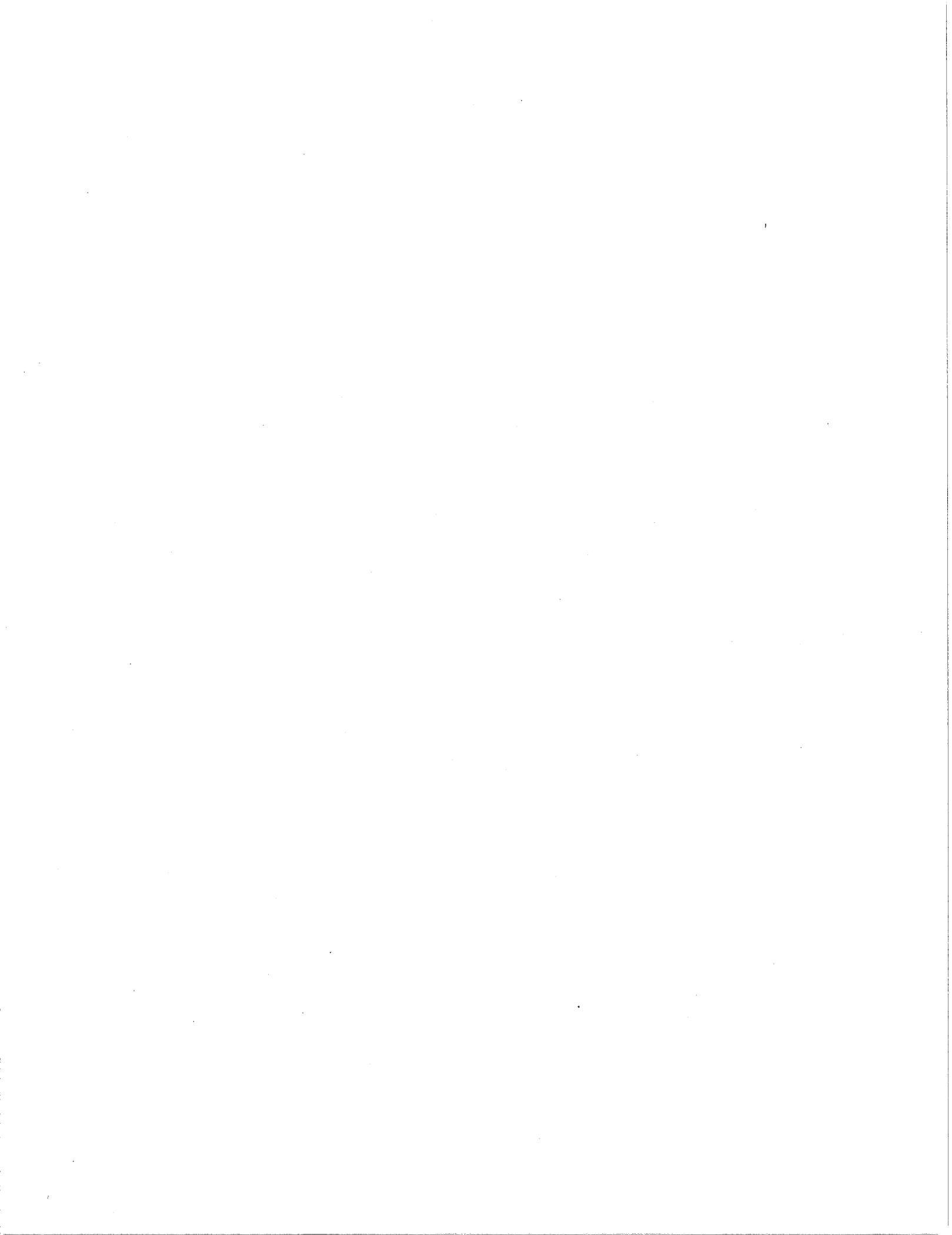
Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	12-Nov-2007	Screening	12-Nov-2007	EPA Due	8-Aug-2008
	PCW	13-May-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Houston Refining LP
Reg. Ent. Ref. No.	RN100218130
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	35779	No. of Violations	1	
Docket No.	2008-0674-MLM-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Miriam Hall	
Multi-Media	Water Quality	EC's Team	Enforcement Team 4	
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 376% Enhancement Subtotals 2, 3, & 7

Notes: Enhancement due to 11 NOVs with same or similar violations, ten NOVs with unrelated violations (including five self-reported monthly effluent violations), five 1660 Agreed Orders, seven Findings Orders, and one Court Order containing a denial of liability. Reduction due to four notice of audit letters.

Culpability No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts 0% Enhancement* Subtotal 6
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 12-Nov-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

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)	11	55%
	Other written NOVs	10	20%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	7	175%
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 judgements or consent decrees meeting criteria)	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 (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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement due to 11 NOVs with same or similar violations, ten NOVs with unrelated violations (including five self-reported monthly effluent violations), five 1660 Agreed Orders, seven Findings Orders, and one Court Order containing a denial of liability. Reduction due to four notice of audit letters.

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

Screening Date 12-Nov-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Permit No. 2167, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,500 pounds ("lbs") of volatile organic compounds (including 1,019 lbs of the Highly Reactive Volatile Organic Compound propylene) from the Butane Recovery Unit during an avoidable emissions event that began October 9, 2007 and lasted two hours. Since these emissions were avoidable, the demonstrations in 30 TAC § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed an insignificant amount of pollutants that did not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$150

Violation Final Penalty Total \$11,900

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

Economic Benefit Worksheet

Respondent Houston Refining LP
 Case ID No. 35779
 Reg. Ent. Reference No. RN100218130
 Media Air
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	9-Oct-2007	15-May-2008	0.6	\$150	n/a	\$150

Notes for DELAYED costs

Estimated expense to properly maintain valves for the Butane Recovery Unit. Date required is the date of the emissions event. Final date is the date that corrective actions are estimated to be completed.

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$150
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Compliance History

Customer/Respondent/Owner-Operator: CN601313083 Houston Refining LP Classification: AVERAGE Rating: 7.45
 Regulated Entity: RN100218130 LYONDELL-CITGO REFINING Classification: AVERAGE Site Rating: 7.45

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0048L
	AIR OPERATING PERMITS	PERMIT	1372
	AIR NEW SOURCE PERMITS	PERMIT	2167
	AIR NEW SOURCE PERMITS	PERMIT	3844
	AIR NEW SOURCE PERMITS	PERMIT	26987
	AIR NEW SOURCE PERMITS	PERMIT	31955
	AIR NEW SOURCE PERMITS	PERMIT	38735
	AIR NEW SOURCE PERMITS	PERMIT	44938
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0048L
	AIR NEW SOURCE PERMITS	REGISTRATION	54769
	AIR NEW SOURCE PERMITS	REGISTRATION	55719
	AIR NEW SOURCE PERMITS	REGISTRATION	75386
	AIR NEW SOURCE PERMITS	AFS NUM	4820100040
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX985
	AIR NEW SOURCE PERMITS	REGISTRATION	71613
	AIR NEW SOURCE PERMITS	REGISTRATION	74743
	AIR NEW SOURCE PERMITS	REGISTRATION	76934
	AIR NEW SOURCE PERMITS	REGISTRATION	78506
	AIR NEW SOURCE PERMITS	REGISTRATION	80698
	AIR NEW SOURCE PERMITS	REGISTRATION	43445
	AIR NEW SOURCE PERMITS	REGISTRATION	46595
	AIR NEW SOURCE PERMITS	REGISTRATION	49678
	AIR NEW SOURCE PERMITS	REGISTRATION	50839
	AIR NEW SOURCE PERMITS	REGISTRATION	56586
	AIR NEW SOURCE PERMITS	REGISTRATION	71380
	AIR NEW SOURCE PERMITS	REGISTRATION	81566
	WASTEWATER	PERMIT	WQ0000392000
	WASTEWATER	PERMIT	TPDES0003247
	WASTEWATER	EPA ID	TPDES0003247
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011570
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011570
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688979
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50106
	WATER LICENSING	LICENSE	1011570
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50106
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50106

Location: 12000 LAWNSDALE ST # ST14, HOUSTON, TX, 77017 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 12, 2007

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: John Muennink Phone: (361) 825-3423

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: 08/07/2003 ADMINORDER 2002-1040-AIR-E
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 368 valves in the Benzene and Toluene Unit in VOC service.

Effective Date: 12/05/2003 COURTORDER
 Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: SC 1 PERMIT

Description: Emissions of sulfur dioxide and hydrogen sulfide into the air at such concentration as to adversely affect human health or welfare or as to interfere with the reasonable use and enjoyment of property.

Effective Date: 07/01/2004

ADMINORDER 2003-1418-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Allowed an unauthorized release of SO₂, H₂S, and SO₃ from the Sulfur Recovery Complex. Specifically, an emissions event occurred on December 19, 2002 which resulted in excess emissions of 85,009 lbs of SO₂, 1,869 lbs of H₂S, and 2,426 lbs of SO₃.

Effective Date: 04/10/2005

ADMINORDER 2004-0866-AIR-E

Classification: Moderate

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

Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT

Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

Effective Date: 08/07/2005

ADMINORDER 2004-2002-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

Effective Date: 12/15/2005

ADMINORDER 2005-1172-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006

ADMINORDER 2005-0754-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2006

ADMINORDER 2005-0359-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
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: Flexible Permit #2167, SC #2 PA

Flexible Permit #2167, SC#26 PA

Description: Failed to limit the hydrogen sulfide ("H₂S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #44B PA

Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #2 PA

Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 47 PERMIT

Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #14.I PA

Description: Failed to repair three valves within 15 days of leak detection

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #37 PA

Description: Failed to maintain the sulfur dioxide ("SO₂") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-1CN and TGU-1CN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA

Description: Failed to conduct the required inspections for three storage tanks.

Effective Date: 05/28/2006

ADMINORDER 2005-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/15/2006

ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2007

ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions on March 21, 2006.

Effective Date: 08/10/2007

ADMINORDER 2007-0440-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 10,494 pounds ("lbs") of sulfur dioxide, 126 lbs of carbon monoxide and 22 lbs of hydrogen sulfide were released from the Magnaformer Unit and the Sulfur Recovery Complex during an emissions event that began January 4, 2007 and lasted nine hours and 45 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 1,431 pounds ("lbs") of propane, 510 lbs of propylene and 11 lbs of butenes were released from Unit 234 during an avoidable emissions event that began January 9, 2007 and lasted eight hours.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 8,205 pounds of the Highly Reactive Volatile Organic Compound ethylene were released from the Paraxylene Recovery Unit during an avoidable emissions event that began January 16, 2007 and lasted one hour and 55 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly report the amount of ethylene emissions. Specifically, the final notification reported 7,650 lbs of ethylene were released as a result of the January 16, 2007 emissions event and the investigation determined that the actual emissions released were 8,205 lbs of ethylene.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 189 lbs of propane, 530 lbs of propylene, 821 lbs of butanes, 1,064 lbs of butenes, 3,154 lbs of pentanes, 2,589 lbs of pentenes and 13,734 lbs of C6+ Hazardous Air Pollutants ("HAP") were released from the 732 Fluid Catalytic Cracking Unit ("FCCU") during

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 72 lbs of ethylene, 2,195 lbs of propane, 7,057 lbs of propylene, 11,000 lbs of butanes, 8,990 lbs of butenes, 4,110 lbs of pentanes and 23,328 lbs of C6+ HAPs were released from the 732 FCCU during an avoidable emissions event that began March 5, 2007

Effective Date: 10/04/2007

ADMINORDER 2007-0713-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,830 lbs of SO2 from the Sulfur Recovery Complex during an avoidable emissions event that began April 3, 2007 and lasted one hour and 30 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 54,320 lbs of sulfur dioxide, 700 lbs of sulfur trioxide, 596 lbs of hydrogen sulfide, 304 lbs of ammonia and 76 lbs nitric oxide from the Sulfur Recovery Unit during an avoidable emissions event that began April 21, 2007 and lasted 16 hours and 45 minutes.

Classification: Minor

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

Description: Failed to submit an initial notification within 24 hours of the discovery of the April 21, 2007 emissions event. Specifically, the report, which was due April 22, 2007, was not submitted until April 26, 2007.

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	11/14/2002	(156206)
2	11/25/2002	(12940)
3	12/16/2002	(156210)
4	01/06/2003	(10859)
5	01/13/2003	(156214)
6	02/18/2003	(24723)
7	02/20/2003	(156176)
8	03/10/2003	(156179)
9	03/21/2003	(27575)
10	04/08/2003	(156183)
11	04/21/2003	(29841)
12	05/13/2003	(294606)
13	06/16/2003	(294608)
14	07/07/2003	(294610)
15	07/31/2003	(35420)
16	08/04/2003	(144785)
17	08/06/2003	(144511)
18	08/12/2003	(294612)
19	08/18/2003	(112865)
20	09/10/2003	(294614)
21	10/14/2003	(294616)

22	11/07/2003	(21204)
23	11/12/2003	(294617)
24	12/16/2003	(294618)
25	01/05/2004	(252510)
26	01/08/2004	(294619)
27	01/30/2004	(258069)
28	02/03/2004	(252543)
29	02/09/2004	(294599)
30	02/23/2004	(4691)
31	02/24/2004	(263274)
32	02/29/2004	(262038)
33	03/09/2004	(294603)
34	04/16/2004	(294604)
35	05/14/2004	(264609)
36	05/20/2004	(351815)
37	05/27/2004	(143412)
38	06/14/2004	(351816)
39	07/22/2004	(351817)
40	08/11/2004	(286666)
41	08/11/2004	(288389)
42	08/11/2004	(287948)
43	08/16/2004	(260979)
44	08/16/2004	(260585)
45	08/16/2004	(351818)
46	08/19/2004	(261725)
47	08/24/2004	(271493)
48	08/31/2004	(271505)
49	08/31/2004	(289666)
50	08/31/2004	(292409)
51	09/01/2004	(276631)
52	09/15/2004	(351819)
53	10/15/2004	(282886)
54	10/18/2004	(351820)
55	10/19/2004	(335898)
56	10/19/2004	(336015)
57	11/11/2004	(290238)
58	11/11/2004	(292704)
59	11/11/2004	(291091)
60	11/14/2004	(271509)
61	11/18/2004	(340059)
62	11/18/2004	(351821)
63	11/22/2004	(341679)
64	12/03/2004	(269989)
65	12/07/2004	(341250)
66	12/09/2004	(342162)
67	12/14/2004	(342195)
68	12/16/2004	(285369)
69	12/27/2004	(351822)
70	12/28/2004	(278159)
71	01/18/2005	(381702)
72	01/28/2005	(345654)
73	02/02/2005	(347718)
74	02/15/2005	(381700)
75	03/16/2005	(347527)
76	03/21/2005	(381701)
77	03/29/2005	(375273)
78	04/14/2005	(376977)
79	04/14/2005	(372794)
80	04/18/2005	(419493)
81	04/19/2005	(376798)
82	04/22/2005	(349552)
83	05/02/2005	(372107)
84	05/03/2005	(376226)
85	05/20/2005	(381195)
86	05/24/2005	(419494)
87	05/25/2005	(379525)
88	05/26/2005	(337173)
89	05/26/2005	(349881)
90	06/07/2005	(395018)
91	06/20/2005	(419495)
92	06/21/2005	(379593)
93	07/07/2005	(379524)
94	07/22/2005	(400281)
95	07/25/2005	(419496)
96	08/15/2005	(404916)
97	08/18/2005	(404363)
98	08/18/2005	(404331)
99	08/24/2005	(405604)
100	08/24/2005	(405556)
101	08/24/2005	(440650)
102	08/25/2005	(404770)

103	09/19/2005	(440651)
104	10/10/2005	(431795)
105	10/10/2005	(468144)
106	10/28/2005	(432450)
107	10/31/2005	(432333)
108	11/07/2005	(468145)
109	11/23/2005	(435308)
110	12/02/2005	(431511)
111	12/28/2005	(434541)
112	01/19/2006	(468146)
113	02/01/2006	(468142)
114	02/25/2006	(456998)
115	02/25/2006	(457020)
116	02/25/2006	(457004)
117	02/28/2006	(457235)
118	03/17/2006	(468143)
119	04/10/2006	(498011)
120	04/20/2006	(437368)
121	04/27/2006	(439800)
122	05/10/2006	(498012)
123	05/31/2006	(480504)
124	05/31/2006	(480500)
125	05/31/2006	(480503)
126	05/31/2006	(480506)
127	05/31/2006	(480494)
128	06/14/2006	(479843)
129	06/15/2006	(498013)
130	06/15/2006	(481316)
131	06/15/2006	(461559)
132	06/29/2006	(458901)
133	06/30/2006	(469140)
134	07/17/2006	(485790)
135	07/26/2006	(520029)
136	07/28/2006	(463199)
137	08/08/2006	(489220)
138	08/11/2006	(520030)
139	08/18/2006	(396831)
140	09/11/2006	(574927)
141	09/11/2006	(489202)
142	10/06/2006	(489212)
143	10/12/2006	(544276)
144	10/30/2006	(511654)
145	11/21/2006	(544277)
146	12/11/2006	(574928)
147	01/08/2007	(574929)
148	01/09/2007	(532009)
149	01/25/2007	(512685)
150	02/02/2007	(435323)
151	02/02/2007	(511662)
152	02/05/2007	(536476)
153	02/08/2007	(512678)
154	02/16/2007	(574922)
155	02/22/2007	(510814)
156	02/23/2007	(511980)
157	03/16/2007	(574923)
158	03/21/2007	(539194)
159	03/21/2007	(539188)
160	03/21/2007	(539192)
161	04/04/2007	(554793)
162	04/04/2007	(554809)
163	04/13/2007	(574924)
164	04/20/2007	(556941)
165	04/24/2007	(557537)
166	04/30/2007	(554360)
167	05/04/2007	(556720)
168	05/09/2007	(554980)
169	05/15/2007	(574925)
170	05/29/2007	(559572)
171	06/14/2007	(574926)
172	07/03/2007	(563761)
173	07/20/2007	(561274)
174	07/25/2007	(566621)
175	08/17/2007	(570286)
176	08/23/2007	(570387)
177	08/28/2007	(570635)
178	09/07/2007	(573978)
179	09/27/2007	(595742)
180	10/10/2007	(594976)
181	10/17/2007	(567541)
182	10/18/2007	(566919)
183	10/19/2007	(598478)

184 10/25/2007 (596179)
185 11/09/2007 (599574)

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

Date: 08/18/2003 (112865)
Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: During this investigation, it was found LCR failed to provide proper notification of all current solid waste activities to the TCEQ.

Date: 02/03/2004 (252543)
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 2167, Special Condition #1
Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.

Date: 02/29/2004 (262038)
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 TCEQ FLEXIBLE AIR PERMIT #2167, SC #1
Description: Lyondell exceeded permit limits during an emissions event.

Date: 05/14/2004 (264609)
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 Permit #2167, Special Condition #1
Description: Exceeded VOC permit limit during an emissions event.

Date: 08/16/2004 (260585)
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 TCEQ FLEXIBLE AIR PERMIT 2167, SC #1
Description: Exceeded VOC permit limit during an avoidable emissions event.

Date: 08/16/2004 (260979)
Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to submit an administratively complete final emissions event report.

Date: 08/16/2004 (261725)
Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to comply with emissions events reporting requirements.

Date: 08/18/2004 (271509)
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Flexible Air Permit #2167, SC #1
Description: Failure to submit an administratively complete final emissions event report.

Date: 11/14/2004 (271509)
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 Flexible No. 2167 and PSD-TX-985, S.C. 1
Description: Exceeded VOC permit limits during an avoidable emissions event.

Date: 11/30/2004 (351822)
Self Report? YES
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Failure to submit a final report within 14 days of the end of an emissions event.

Date: 12/09/2004 (342162)
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/02/2005 (372107)
Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PA Special Conditon #1
Description: Failure to control unauthorized emissions.

Date: 05/26/2005 (379525)
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.

Date: 07/06/2005 (379524)
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to control knockout pot level on south compressor.

Date: 07/06/2005 (379524)
Self Report? NO
Classification: Moderate
Citation: 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: PERMIT Special Condition 15E
 Description: Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Special Condition 15E
 Description: Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.
 Date: 07/31/2005 (440650)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/13/2006 (479843)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC #1
 Description: Lyondell failed to prevent the "Y Train" from overpressuring.
 Date: 06/30/2006 (520029)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2006 (520030)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date: 08/01/2006 (463199)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PA 2167 and PSD-TX-985, SC 15E
 Description: Failure to cap/plug open-ened line

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Description: Leaking plug associated with valve #802412.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: PA 2167 and PSD-TX-985, SC 15F
 Description: Failure to monitor valves
 Date: 08/09/2006 (489220)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC#1
 Description: Failure to prevent the disconnection of a pressure indication instrument.
 Date: 08/18/2006 (396831)

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 Flexible Permit No. 2167, SC #1.
 Description: The RE failed to prevent unauthorized emissions from a leaking pipe.
 Date: 10/31/2006 (544277)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 01/05/2004 (263563)
 No DOV Associated

Notice of Intent Date: 08/15/2007 (574133)
 No DOV Associated

Notice of Intent Date: 09/05/2007 (595042)
 No DOV Associated

Notice of Intent Date: 10/04/2007 (598208)
 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.

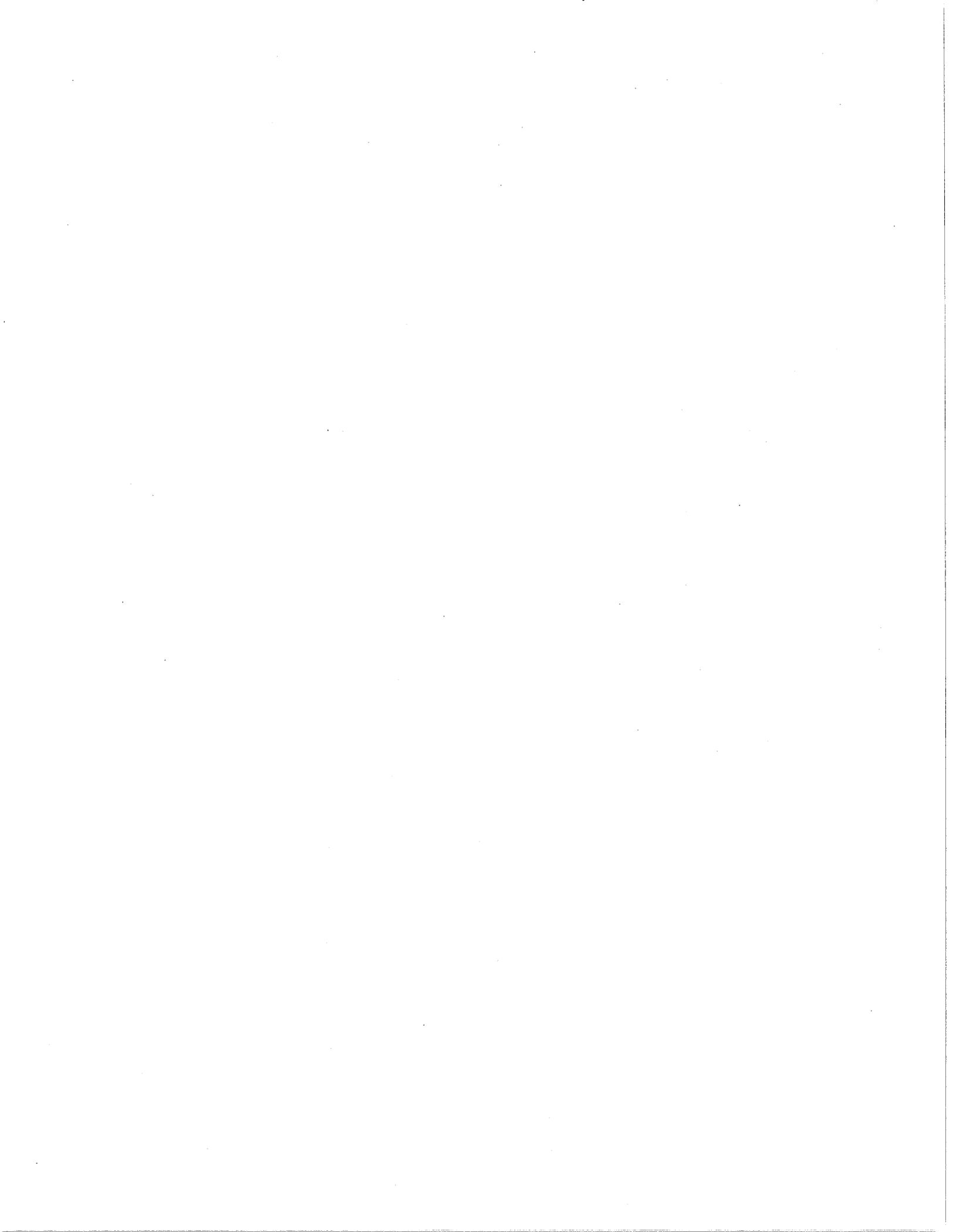
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

*PCW Revision April 26, 2007

DATES	Assigned	14-May-2007	Screening	16-May-2007	EPA Due	
	PCW	25-Aug-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Houston Refining LP
Reg. Ent. Ref. No.	RN100218130
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35779	No. of Violations	1
Docket No.	2008-0674-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Miriam Hall
Multi-Media	Air	EC's Team	EnforcementTeam 5
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 335% Enhancement Subtotals 2, 3, & 7

Notes: A change in the penalty amount is recommended for having five NOV's for self-reported effluent violations, 18 NOV's for non-similar violations, six Agreed Orders with denial, five Agreed Orders without denial, one Court Order with denial, and one Notice of Intent within the last five years.

Culpability No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts 0% Enhancement Subtotal 6
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 20% Reduction Adjustment

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 16-May-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Water Quality

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (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) 335%

>> 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

A change in the penalty amount is recommended for having five NOVs for self-reported effluent violations, 18 NOVs for non-similar violations, six Agreed Orders with denial, five Agreed Orders without denial, one Court Order with denial, and one Notice of Intent within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 335%

Screening Date 16-May-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Water Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000392000, Effluent Limitations and Monitoring Requirements No.1 for Outfall 001A, Nos. 1 and 2 for Outfall 002A, and No. 1 for Outfall 003A

Violation Description

Failed to comply with the permitted effluent limits as documented during a record review conducted on March 24, 2007. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5

92 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Five quarterly events are recommended, two for Outfall 001A, one for Outfall 002A, and two for Outfall 003A.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$388

Violation Final Penalty Total \$21,750

This violation Final Assessed Penalty (adjusted for limits) \$21,750

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Water 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)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Jun-2006	18-Jan-2008	1.6	\$388	n/a	\$388

Notes for DELAYED costs
 The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the expected compliance date.

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

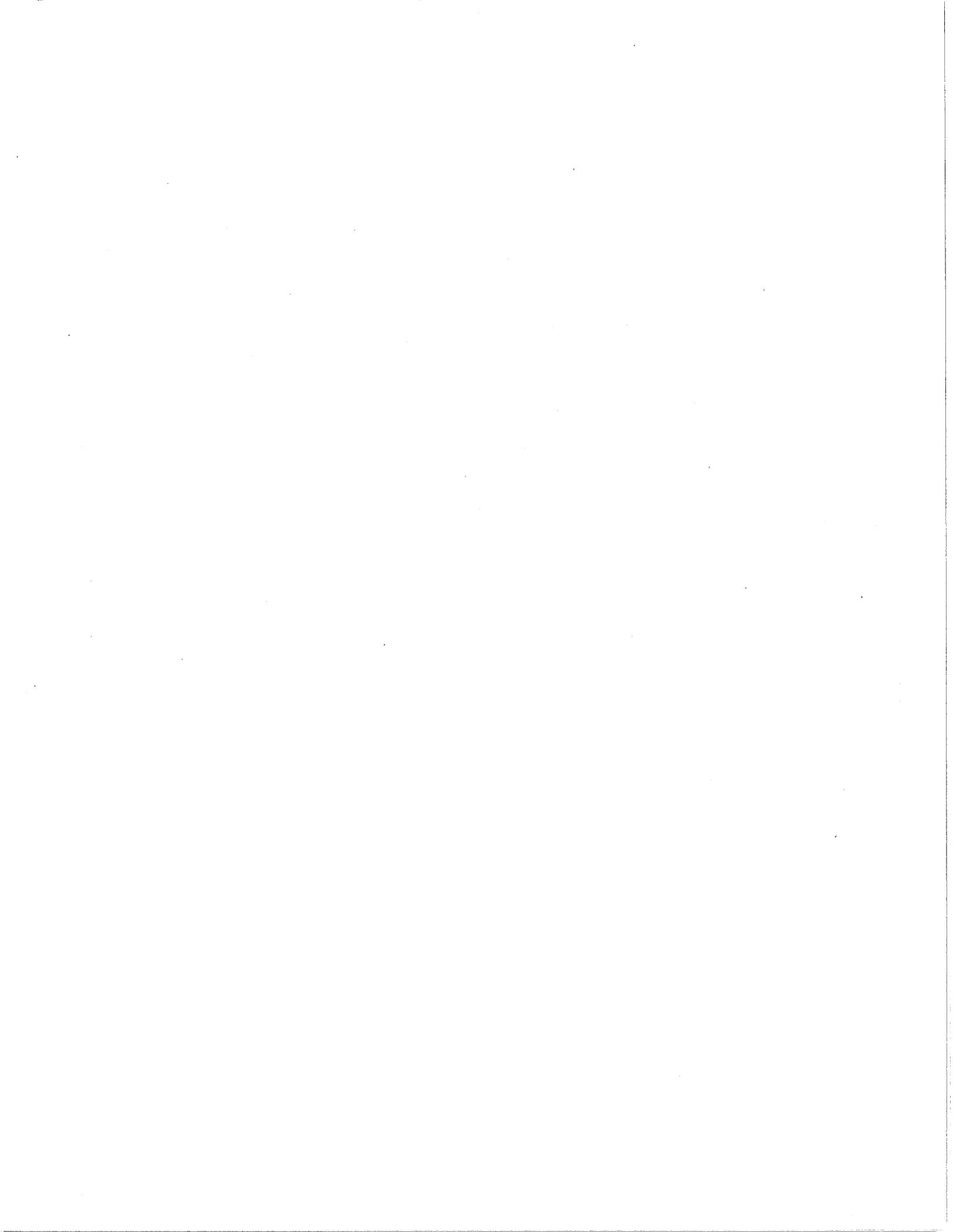
Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance	\$5,000	TOTAL	\$388
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Effluent Violation Table
Houston Refining LP
 TPDES Permit No. WQ0000392000
 Docket No. 2007-0473-MLM-E

Permitted Effluent Limits Outfall	Monitoring Period End Date		Permitted Effluent Limits Outfall	Monitoring Period End Date	Permitted Effluent Limits Outfall	Monitoring Period End Date	
001A	06/30/2006	10/31/2006	002A	06/30/2006	003A	07/31/2006	10/31/2006
TSS Daily Max. 34 mg/l	74	71	TSS Daily Max. 33 mg/l	290	TSS Daily Max. 34 mg/l	61	36
Oil and Grease 15 mg/l	58	33			ph Max. 9.0 Su	9.3	C

TSS = Total Suspended Solids	Max. = Maximum
Su= Standard Unit	mg/l = Milligrams per liter
C= compliant	



Effective Date: 08/22/2002

ADMINORDER 2001-0072-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(2)(C)
40 CFR Part 60, Subpart J 60.105(a)(1)

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

Description: Failed to install a COMS in the fluid catalytic cracking unit regeneration stack to continuously monitor and record opacity of emissions, from 10/95 thru 3/00.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(b)

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

Description: Failed to use the appropriate low span daily calibration gas for the continuous emission monitoring system (CEMS) that measures hydrogen sulfide in the fuel gas, and by failing to use the appropriate high span standard gas during the first qtr 1998.

Classification: Moderate

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

Description: Allowed unauthorized emissions from the 736 Coker Unit fire at the "B" drum on May 7, 1999.

Classification: Moderate

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

Rqmt Prov: SC15 PERMIT

Description: Failed to properly calibrate the Predictive Emissions Monitoring System (PEMS) on the 537 Crude Unit F1 Heater to determine in-stack emissions of oxides of nitrogen and oxygen.

Effective Date: 08/07/2003

ADMINORDER 2002-1040-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 368 valves in the Benzene and Toluene Unit in VOC service.

Effective Date: 12/05/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: SC 1 PERMIT

Description: Emissions of sulfur dioxide and hydrogen sulfide into the air at such concentration as to adversely affect human health or welfare or as to interfere with the reasonable use and enjoyment of property.

Effective Date: 07/01/2004

ADMINORDER 2003-1418-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Allowed an unauthorized release of SO₂, H₂S, and SO₃ from the Sulfur Recovery Complex. Specifically, an emissions event occurred on December 19, 2002 which resulted in excess emissions of 85,009 lbs of SO₂, 1,869 lbs of H₂S, and 2,426 lbs of SO₃.

Effective Date: 04/10/2005

ADMINORDER 2004-0866-AIR-E

Classification: Moderate

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

Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT

Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

Effective Date: 08/07/2005

ADMINORDER 2004-2002-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

Effective Date: 12/15/2005

ADMINORDER 2005-1172-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006

ADMINORDER 2005-0754-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)[G]

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

Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2006

ADMINORDER 2005-0359-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
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: Flexible Permit #2167, SC #2 PA
Flexible Permit #2167, SC#26 PA

Description: Failed to limit the hydrogen sulfide ("H2S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit #2167, SC #44B PA
Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #2 PA
Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

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

Rqmt Prov: Special Condition 47 PERMIT
Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.

Classification: Minor

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

30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #14.1 PA
Description: Failed to repair three valves within 15 days of leak detection

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit #2167, SC #37 PA

Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-ICN and TGU-ICN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)

30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA

Description: Failed to conduct the required inspections for three storage tanks.

Effective Date: 05/28/2006

ADMINORDER 2005-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/15/2006

ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2007

ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions on March 21, 2006.

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	06/17/2002	(156189)
2	07/08/2002	(156192)
3	07/19/2002	(1841)
4	08/01/2002	(3456)
5	08/07/2002	(156196)
6	08/31/2002	(4788)
7	08/31/2002	(10045)
8	08/31/2002	(10424)
9	08/31/2002	(9990)
10	08/31/2002	(10142)
11	08/31/2002	(10031)
12	09/10/2002	(156199)

13	10/08/2002	(156202)
14	10/28/2002	(13011)
15	11/14/2002	(156206)
16	11/25/2002	(12940)
17	12/16/2002	(156210)
18	01/06/2003	(10859)
19	01/13/2003	(156214)
20	02/18/2003	(24723)
21	02/20/2003	(156176)
22	03/10/2003	(156179)
23	03/21/2003	(27575)
24	04/08/2003	(156183)
25	04/21/2003	(29841)
26	05/13/2003	(294606)
27	06/16/2003	(294608)
28	07/07/2003	(294610)
29	07/31/2003	(35420)
30	08/04/2003	(144785)
31	08/06/2003	(144511)
32	08/12/2003	(294612)
33	08/18/2003	(112865)
34	09/10/2003	(294614)
35	10/14/2003	(294616)
36	11/12/2003	(294617)
37	12/16/2003	(294618)
38	01/05/2004	(252510)
39	01/08/2004	(294619)
40	01/30/2004	(258069)
41	02/03/2004	(252543)
42	02/09/2004	(294599)
43	02/23/2004	(4691)
44	02/24/2004	(263274)
45	02/29/2004	(262038)
46	03/09/2004	(294603)
47	04/16/2004	(294604)
48	05/14/2004	(264609)
49	05/20/2004	(351815)
50	05/27/2004	(143412)
51	06/14/2004	(351816)
52	07/22/2004	(351817)
53	08/11/2004	(286666)
54	08/11/2004	(288389)
55	08/11/2004	(287948)
56	08/16/2004	(260979)
57	08/16/2004	(260585)
58	08/16/2004	(351818)
59	08/19/2004	(261725)
60	08/24/2004	(271493)
61	08/31/2004	(271505)
62	08/31/2004	(289666)
63	08/31/2004	(292409)
64	09/01/2004	(276631)
65	09/15/2004	(351819)
66	10/15/2004	(282886)
67	10/18/2004	(351820)
68	10/19/2004	(335898)
69	10/19/2004	(336015)
70	11/11/2004	(290238)
71	11/11/2004	(292704)
72	11/11/2004	(291091)
73	11/14/2004	(271509)
74	11/18/2004	(340059)
75	11/18/2004	(351821)
76	11/22/2004	(341679)
77	12/03/2004	(269989)
78	12/07/2004	(341250)
79	12/09/2004	(342162)
80	12/14/2004	(342195)
81	12/16/2004	(285369)
82	12/27/2004	(351822)
83	12/28/2004	(278159)
84	01/05/2005	(21204)
85	01/18/2005	(381702)
86	01/28/2005	(345654)
87	02/02/2005	(347718)

88	02/15/2005	(381700)
89	03/16/2005	(347527)
90	03/21/2005	(381701)
91	03/29/2005	(375273)
92	04/14/2005	(376977)
93	04/14/2005	(372794)
94	04/18/2005	(419493)
95	04/19/2005	(376798)
96	04/22/2005	(349552)
97	05/02/2005	(372107)
98	05/03/2005	(376226)
99	05/20/2005	(381195)
100	05/24/2005	(419494)
101	05/25/2005	(379525)
102	05/26/2005	(337173)
103	05/26/2005	(349881)
104	06/07/2005	(395018)
105	06/20/2005	(419495)
106	06/21/2005	(379593)
107	07/07/2005	(379524)
108	07/22/2005	(400281)
109	07/25/2005	(419496)
110	08/15/2005	(404916)
111	08/18/2005	(404363)
112	08/18/2005	(404331)
113	08/24/2005	(405604)
114	08/24/2005	(405556)
115	08/24/2005	(440650)
116	08/25/2005	(404773)
117	09/19/2005	(440651)
118	10/10/2005	(431795)
119	10/10/2005	(468144)
120	10/28/2005	(432450)
121	10/31/2005	(432333)
122	11/07/2005	(468145)
123	11/23/2005	(435308)
124	12/02/2005	(431511)
125	12/28/2005	(434541)
126	01/19/2006	(468146)
127	02/01/2006	(468142)
128	02/25/2006	(456998)
129	02/25/2006	(457020)
130	02/25/2006	(457004)
131	02/28/2006	(457235)
132	03/17/2006	(468143)
133	04/10/2006	(498011)
134	04/20/2006	(437368)
135	04/27/2006	(439800)
136	05/10/2006	(498012)
137	05/31/2006	(480504)
138	05/31/2006	(480500)
139	05/31/2006	(480503)
140	05/31/2006	(480506)
141	05/31/2006	(480494)
142	06/14/2006	(479843)
143	06/15/2006	(498013)
144	06/15/2006	(481316)
145	06/15/2006	(461559)
146	06/29/2006	(458901)
147	06/30/2006	(469140)
148	07/17/2006	(485790)
149	07/26/2006	(520029)
150	07/28/2006	(463199)
151	08/08/2006	(489220)
152	08/11/2006	(520030)
153	08/18/2006	(396831)
154	09/11/2006	(489202)
155	10/06/2006	(489212)
156	10/12/2006	(544276)
157	10/30/2006	(511654)
158	11/21/2006	(544277)
159	01/09/2007	(532009)
160	01/25/2007	(512685)
161	02/02/2007	(435323)
162	02/02/2007	(511662)

163 02/05/2007 (536476)
 164 02/08/2007 (512678)
 165 02/22/2007 (510814)
 166 02/23/2007 (511980)
 167 03/21/2007 (539194)
 168 03/21/2007 (539188)
 169 03/21/2007 (539192)
 170 04/04/2007 (554793)
 171 04/04/2007 (554809)
 172 04/20/2007 (556941)
 173 04/24/2007 (557537)
 174 04/30/2007 (554360)
 175 05/04/2007 (556720)
 176 05/09/2007 (554980)

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

Date 07/19/2002 (1841)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: Unexempted upset emissions exceeded emission limits for SO2 and H2S under Permit No. 2167, Special Condition 1.

Date 10/28/2002 (13011)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
 Description: Failure to inspect the ground storage tanks (1&2) at least annually.

Date 08/18/2003 (112865)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)(G)
 Description: During this investigation, it was found LCR failed to provide proper notification of all current solid waste activities to the TCEQ.

Date 02/03/2004 (252543)
 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 2167, Special Condition #1
 Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.

Date 02/29/2004 (262038)
 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 TCEQ FLEXIBLE AIR PERMIT #2167, SC #1
 Description: Lyondell exceeded permit limits during an emissions event.

Date 05/14/2004 (264609)
 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 Permit #2167, Special Condition #1
 Description: Exceeded VOC permit limit during an emissions event.

Date 08/16/2004 (260585)
 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 TCEQ FLEXIBLE AIR PERMIT 2167, SC #1
 Description: Exceeded VOC permit limit during an avoidable emissions event.

Date 08/16/2004 (260979)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to submit an administratively complete final emissions event report.

Date 08/18/2004 (261725)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT TCEQ Flexible Air Permit #2167, SC #1
 Description: Failure to submit an administratively complete final emissions event report.

Date 11/14/2004 (271509)
 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 Flexible No. 2167 and PSD-TX-985, S.C. 1
 Description: Exceeded VOC permit limits during an avoidable emissions event.

Date 11/14/2004 (271509)
 Self Report? NO Classification Minor

Citation:	30 TAC Chapter 101, SubChapter F 101.201(c)	Classificatio	Moderate
Description:	Failure to submit a final report within 14 days of the end of an emissions event.		
Date	11/30/2004 (351822)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classificatio	Moderate
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/09/2004 (342162)		
Self Report?	NO		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a)	Classificatio	Minor
Rqmt Prov:	PA Special Conditon #1		
Description:	Failure to control unauthorized emissions.		
Date	05/02/2005 (372107)		
Self Report?	NO		
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(10) 5C THC Chapter 382, SubChapter A 382.085(b)	Classificatio	Moderate
Description:	Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.		
Date	05/26/2005 (379525)		
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)	Classificatio	Moderate
Description:	Failure to control knockout pot level on south compressor.		
Date	07/06/2005 (379524)		
Self Report?	NO		
Citation:	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)	Classificatio	Moderate
Rqmt Prov:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.		
Date	07/31/2005 (440650)		
Self Report?	NO		
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6[G] 5C THC Chapter 382, SubChapter A 382.085(b)	Classificatio	Moderate
Rqmt Prov:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.		
Date	07/31/2005 (440650)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classificatio	Moderate
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/13/2006 (479843)		
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)	Classificatio	Moderate
Rqmt Prov:	PERMIT TCEQ Flexible Permit #2167, SC #1		
Description:	Lyondell failed to prevent the "Y Train" from overpressuring.		
Date	06/30/2006 (520029)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classificatio	Moderate
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2006 (520030)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	Classificatio	Moderate
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/01/2006 (463199)		
Self Report?	NO		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)	Classificatio	Moderate
Rqmt Prov:	PA 2167 and PSD-TX-985, SC 15E		
Description:	Failure to cap/plug open-ened line		
Self Report?	NO		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)	Classificatio	Moderate
Description:	Leaking plug associated with valve #802412.		
Self Report?	NO		
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)	Classificatio	Moderate
Rqmt Prov:	PA 2167 and PSD-TX-985, SC 15F		

Description: Failure to monitor valves
 Date 08/09/2006 (489220)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC#1
 Description: Failure to prevent the disconnection of a pressure indication instrument.
 Date 08/18/2006 (396831)
 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 Flexible Permit No. 2167, SC #1.
 Description: The RE failed to prevent unauthorized emissions from a leaking pipe.
 Date 10/31/2006 (544277)
 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: 01/05/2004 (263563)
 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.

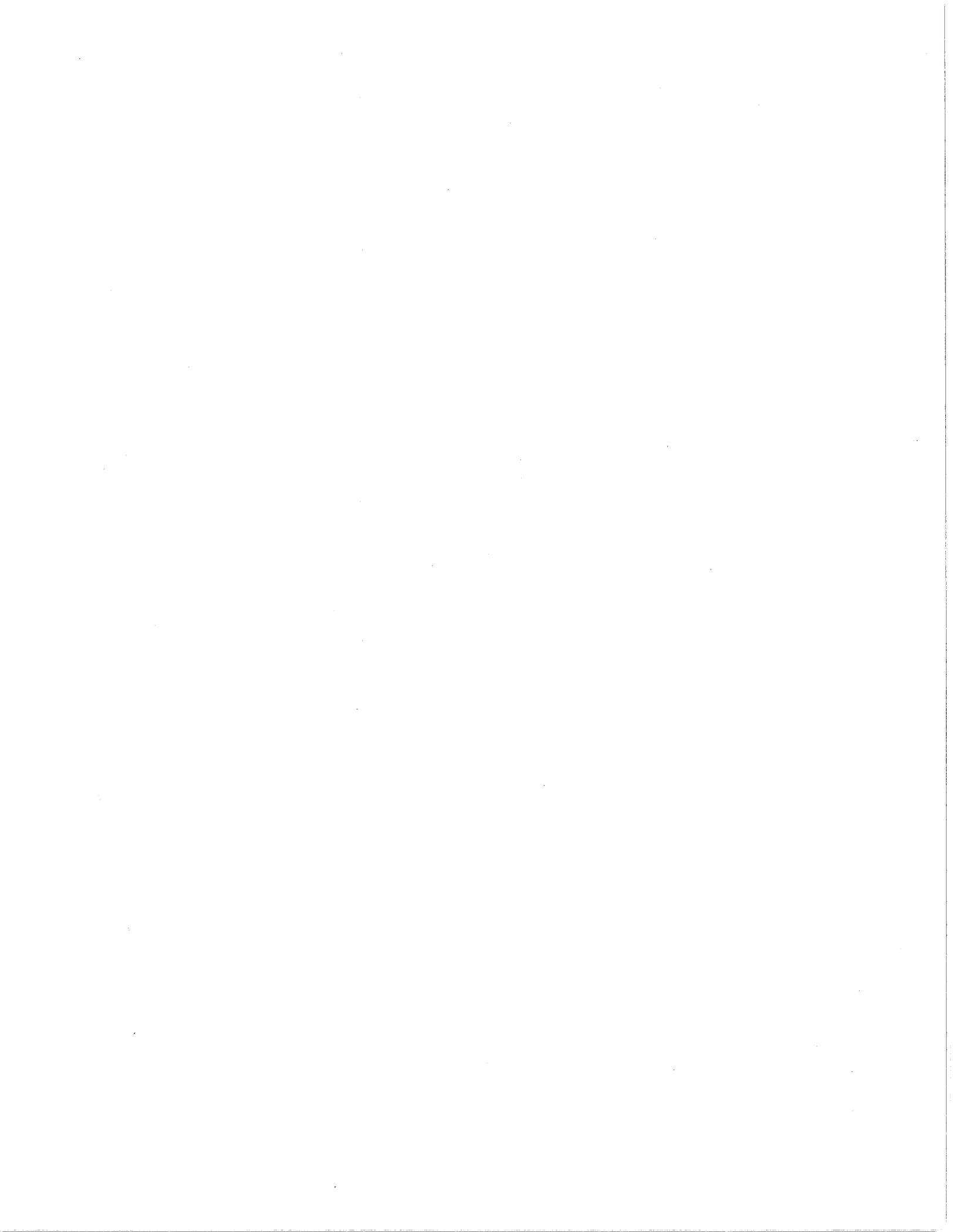
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





Penalty Calculation Worksheet (PCW)

DATES	Assigned	29-Jan-2007	Screening	26-Mar-2007	EPA Due	22-Oct-2007
	PCW	25-Aug-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Houston Refining LP		
Reg. Ent. Ref. No.	RN100218130		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35779	No. of Violations	21
Docket No.	2008-0674-MLM-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Miriam Hall
Multi-Media	Water Quality	EC's Team	EnforcementTeam.3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$110,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **365%** Enhancement **Subtotals 2, 3, & 7** **\$401,865**

Notes The penalty was enhanced for 15 same or similar NOVs, eight other NOVs, six 1660 orders, five findings orders, and one court order. The penalty was reduced for one Notice of Audit.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **10%** Reduction **Subtotal 5** **\$11,010**

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes Repairs and corrective actions were completed by January 31, 2007. The NOE was issued January 25, 2007.

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

Total EB Amounts	\$8,953
Approx. Cost of Compliance	\$519,975

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$500,955**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-14%** **Adjustment** **-\$72,500**

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

Notes Reduction on Violation No. 21 due to Hurricane Rita and subsequent fire at the Fluid Catalytic Cracking Unit which delayed testing.

Final Penalty Amount **\$428,455**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$428,455**

DEFERRAL **20%** Reduction **Adjustment** **-\$85,691**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$342,764**

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

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)	15	75%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (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) 365%

>> 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

The penalty was enhanced for 15 same or similar NOVs, eight other NOVs, six 1660 orders, five findings orders, and one court order. The penalty was reduced for one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 365%

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 115.764(a)(3) and (6), 122.143(4), Federal Operating Permit ("FOP") No. O-01372, Special Terms and Conditions ("SC") 1.H.(iv), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate six cooling tower heat exchange system Highly-Reactive Volatile Organic Compound ("HRVOC") analyzers for the minimum 95% of the required operating time from April 1, 2006 through January 31, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment. During the time the analyzers were down, the Respondent was taking three grab samples a week.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended for each analyzer.

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 Houston Refining LP

Case ID No. 35779

Reg. Ent. Reference No. RN100218130

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Item Description: 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)	\$5,000	1-Apr-2006	31-Jan-2007	0.8	\$209	n/a	\$209

Notes for DELAYED costs

The estimated cost of making repairs, and adjustments to make the analyzers fully operational from regulatory compliance date to actual 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

\$5,000

TOTAL

\$209

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.13(d)(1), FOP No. O-01372, SC 12F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform daily/zero span checks on the sulfur dioxide analyzer on the 435 Unit when the Respondent ran out of calibration gas and the repair exceeded the maximum of five days from November 25, 2005 through December 2, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 7

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,892

This violation Final Assessed Penalty (adjusted for limits) \$3,892

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
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)				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)	\$150	25-Nov-2005	2-Dec-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of the repair and calibration gas from the day that the Respondent ran out of calibration gas to date in compliance.

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

\$150

TOTAL

\$0

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(2), New Source Review Permit ("NSRP") No. 2167, Special Condition ("SC") 29, FOP No. O 01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to demonstrate that flares were operated with a continuously operating pilot light. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0005) on September 19, 2005; Plant Flare No. 3 (338K0007) on November 17, 2005, December 1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005.

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

The Respondent met more than 70 percent of the rule requirement. Sensor data for a total of 16 hours and 31 minutes did not show a flame present. The operator physically verified that a flame was present through alternate non-continuous methods. The flares are for emergency use only and had no process gases going to them during the aforementioned time period.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

8 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$400

One event per flare is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$1,557

This violation Final Assessed Penalty (adjusted for limits) \$1,557

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$700	15-Sep-2005	10-Mar-2006	0.5	\$17	n/a	\$17

Notes for DELAYED costs

The estimated cost for corrective measures from the date of the first violation to the date of the last violation.

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

\$700

TOTAL

\$17

Screening Date 26-Mar-2007
 Respondent Houston Refining LP
 Case ID No. 35779
 Reg. Ent. Reference No. RN100218130
 Media [Statute] Air
 Enf. Coordinator Miriam Hall

Docket No. 2008-0674-MLM-E

PCW

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 115.352(4), 116.115(c), and 122.143(4), 40 CFR § 60.482-6(a)(1), NSRP No. 2167, SC 14E, FOP No. O-01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to cap 13 open-ended valves/lines with either a cap, plug, blind flange or other sealing device.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four quarterly events were documented from July 17, 2005 to April 28, 2006.

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 Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
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				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)	\$325	17-Jul-2005	28-Apr-2006	0.8	\$13	n/a	\$13

Notes for DELAYED costs

The estimated cost of replacing the plugs from the date of the first violation to the date the last violation was corrected.

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]	\$100	17-Jul-2005	28-Apr-2006	1.7	\$8	\$100	\$108
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost of additional oversight from the date the violation was first documented to compliance date.

Approx. Cost of Compliance

\$425

TOTAL

\$121

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Case ID No. 35779

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN100218130

PCW Revision January 9, 2007

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), 40 CFR § 60.692-2(a)(2), FOP No. O-01372, SC 1A and 13B, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform monthly visual inspections on individual drain systems. Specifically, during September and October 2005, one and five drain inspections were missed, respectively.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,000

Two events are recommended for the two missed inspections: September and October 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$111

Violation Final Penalty Total \$7,783

This violation Final Assessed Penalty (adjusted for limits) \$7,783

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 5

Percent Interest:	Years of Depreciation:
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	n/a	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$300	1-Sep-2005	31-Dec-2005	0.3	\$5	n/a	\$5
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost of additional training from the date the violation was first documented to date training completed.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$100	1-Sep-2005	31-Dec-2005	1.2	\$6	\$100	\$106
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: The estimated cost of additional oversight from the date the violation was first documented to date training was completed. (A contractor was doing the inspections.)

Approx. Cost of Compliance \$400
TOTAL
\$111

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSRP No. 2167, SC 44B, FOP No. O-01372, SC 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet ("16.0 gal/1,000 ft3"). Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1,000 ft3, and the minimum pressure drop fell below 0.91 psi from May 25 through May 27, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			x	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 Number of violation days 5

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended, one for December 2005 and one for May 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$7,783

This violation Final Assessed Penalty (adjusted for limits) \$7,783

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	4-Dec-2005	13-Dec-2005	0.0	\$0	\$1	\$1
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)	\$500	25-May-2006	27-May-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

For December 2005, the estimated cost of adjusting the unit operating parameters from the first date of violation to compliance date (the violation started after a startup). For May 2006, the estimated cost of making process adjustments and maintaining the L/G ratio to ensure particulate matter (PM) control and repairing and replacing cooling water line as needed to return to normal operations from first date of violation to compliance date.

Avoided Costs

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

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

\$1

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and 122.143(4), 40 CFR § 61.354(d), FOP No. O-01372, SC 1A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to change out the carbon from a carbon canister immediately after breakthrough was discovered on November 21, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

	1	7	Number of violation days
mark only one with an x	daily		Violation Base Penalty \$2,500
	monthly		
	quarterly	x	
	semiannual		
	annual		
single event			

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$9,729

This violation Final Assessed Penalty (adjusted for limits) \$9,729

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$1,000	21-Nov-2005	28-Nov-2005	0.0	\$1	n/a	\$1

Notes for DELAYED costs

The estimated cost of replacing the carbon from the first date of violation to 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	\$1
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Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 117.213(g)(1)(B)(ii)(I) and 122.143(4), FOP No. O-01372, SC 1A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate a continuous run-time meter for the firewater pump at Dock A for four days between July 1, 2005 through January 10, 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

The Respondent met more than 70% of the rule requirement. While the meter was out of order, the pump was used only 10.5 hours which were documented manually in a log.

Adjustment \$9,900

\$100

Violation Events

1

4

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 \$19

Violation Final Penalty Total \$389

This violation Final Assessed Penalty (adjusted for limits) \$389

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$500	1-Jul-2005	10-Jan-2006	0.5	\$1	\$18	\$19
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for repairing and replacing the run-time meter from first day of violation to compliance date.

Avoided Costs

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

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

\$500

TOTAL

\$19

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 115.144(2)(C) and 122.143(4), FOP No. O-01372, SC 1A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to perform the required semi-annual seal inspection on volatile organic compound ("VOC") storage tanks. Specifically, the Respondent failed to do semi-annual seal inspections on Tank No. 137TK0412 from June 8, 2005 to August 3, 2005 and 32TK0854 from December 6, 2004 to July 7, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

269 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,000

One event recommended for each tank.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$7,783

This violation Final Assessed Penalty (adjusted for limits) \$7,783

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Tank 137TK0412	\$1,000	8-Jun-2005	8-Aug-2005	0.2	\$8	n/a	\$8
Tank 432TK0854	\$1,000	6-Dec-2004	7-Jul-2005	0.6	\$29	n/a	\$29

Notes for DELAYED costs

The estimated cost of conducting the inspections on the tanks from the first day of violation to 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

\$2,000

TOTAL

\$37

Screening Date 26-Mar-2007

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PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.113b(b)(1)(ii), NSRP No. 2167, SC 20D, FOP No. O-01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to perform the required seal gap inspection on Tank No. 137TK0890 within 60 days of tank refilling. Specifically, the tank was put back into service on August 24, 2005 after being out of service more than two years for extensive repairs. A seal gap inspection was required by October 23, 2005 but was not conducted until February 22, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

122 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$3,892

This violation Final Assessed Penalty (adjusted for limits) \$3,892

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	23-Oct-2005	22-Feb-2006	0.3	\$17	n/a	\$17

Notes for DELAYED costs: The estimated cost of conducting the inspection from the due date to seal inspection 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	\$17
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Screening Date 26-Mar-2007

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Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 115.354(2)(B), and 122.143(4), 40 CFR § 63.163(b)(1), FOP No. O-01372, SC 1A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform routine leak detection and repair ("LDAR") monitoring on the Tank 669 East transfer pump from July 1, 2005 through November 15, 2005 and on two pumps in the 734 Benzene Toluene Unit during the first and second quarters of 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 318 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$499

Violation Final Penalty Total \$38,915

This violation Final Assessed Penalty (adjusted for limits) \$38,915

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 11

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	n/a	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jan-2005	31-Dec-2006	2.0	\$499	n/a	\$499

Notes for DELAYED costs

The estimated costs for audits, reconciliations, identifying all components properly, entering missed components into fugitive emission monitoring system database ("FEMS"), and monitoring missed components from the date of the first inspection to compliance date for all LDAR violations. The Respondent also replaced the LDAR contractor. (The economic benefit for Violation Nos. 14-16 and 18 is also included in this section.)

Avoided Costs

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$499

Screening Date 26-Mar-2007

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Respondent Houston Refining LP

Policy Revision 2 (September 2002)

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Media [Statute] Air

Enf. Coordinator Miriam Hall

12

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.482-8(c), NSRP No. 2167, SC 14I and 15H, FOP No. O-01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to repair eight individual component leaks found during audio-visual olfactory ("AVO") inspections within 15 calendar days from July 26, 2005 through December 31, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

158 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$19,458

This violation Final Assessed Penalty (adjusted for limits) \$19,458

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	26-Jul-2005	31-Dec-2005	0.4	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost of scheduling reinspections, updating database with repair end dates, updating procedures for AVO monitoring.

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

\$500

TOTAL

\$11

Screening Date 26-Mar-2007

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Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 115.352(2), and 122.143(4), 40 CFR § 63.168(f)(1); NSRP No. 2167, SC 14I and 15H, FOP No. O-01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to repair two leaking valves in Hazardous Organic National Emission Standards for Hazardous Air Pollutants ("HON") service within 15 calendar days. The valves were found leaking on August 11, 2005 and were repaired on September 12, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

17 Number of violation days

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$9,729

This violation Final Assessed Penalty (adjusted for limits) \$9,729

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 13

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)				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)	\$500	11-Aug-2005	12-Sep-2005	0.1	\$2	n/a	\$2

Notes for DELAYED costs

The estimated cost of repairing the valves and coaching the data entry clerk and repair technician on the criticality of tracking open leaks and proper data entry from first date found leaking to compliance date.

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

\$500

TOTAL

\$2

Screening Date 26-Mar-2007

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Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 115.354(2)(C), 116.115(c), and 122.143(4), 40 CFR § 63.168(f)(1), NSRP No. 2167, SC 15F, FOP No. O-01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006. Specifically, the Respondent failed to monitor 71 valves on the 135 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the FCCU, and three valves in the 536, 537, and 736 Units from July 1, 2005 through December 31, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment. The estimated excess emissions are less than 500 lbs.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 365

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$38,915

This violation Final Assessed Penalty (adjusted for limits) \$38,915

Economic Benefit Worksheet

Respondent Houston Refining LP

Case ID No. 35779

Reg. Ent. Reference No. RN100218130

Media Air

Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit is included in Violation No. 11.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

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Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code §§ 115.781(b)(3) and 122.143(4), FOP No. O-01372, SC 1.H(v), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to perform initial monitoring of approximately 651 connectors in HRVOC service. Specifically, approximately 350 Black Lake Unit and Propane/Propylene ("PP") Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 301 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment. The estimated excess emissions are 95 lbs.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,729

This violation Final Assessed Penalty (adjusted for limits) \$9,729

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit is included in Violation No. 11.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 16

Rule Cite(s)

30 Tex. Admin. Code §§ 115.781(g)(1) and 122.143(4), FOP No. O-01372, SC 1.H(v), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to record all the required monitoring data for 236 HRVOC-service valves in July 2005 on the 736 Unit. Specifically, due to data logger failure, the same date and time of monitoring was recorded for 236 valves instead of the exact date and time of the monitoring of each valve. Non-leaking valves were given the same default readings but leaking valves had the correct readings.

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

The Respondent met 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 \$0

Violation Final Penalty Total \$389

This violation Final Assessed Penalty (adjusted for limits) \$389

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit is included in Violation No. 11.

Avoided Costs

	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 17

Rule Cite(s) 30 Tex. Admin. Code §§ 115.782(b)(1) and 122.143(4), FOP No. O-01372, SC 1.H(V), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to repair three valves and two connectors in HRVOC service within seven days. Specifically, the Respondent failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 938 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

14 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$9,729

This violation Final Assessed Penalty (adjusted for limits) \$9,729

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	15-Mar-2006	16-May-2006	0.2	\$3	n/a	\$3

Notes for DELAYED costs

The estimated cost of repairing the components and coaching staff from the first day component required to be repaired to 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

\$300

TOTAL

\$3

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 115.354(2)(C), 116.115(c), and 122.143(4), 40 CFR § 63.168(d)(2), NSRP No. 2167, SC 15F, FOP No. O-01372, SC 1A and 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to monitor 406 valves on the Para-xylene Recovery Unit ("PRU"), including valves in HON service, during first quarter 2005, 551 HON-service valves on the PRU during the second quarter 2005, and 26 HON-Service valves on the 934 Unit during the third quarter 2005.

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 did not exceed levels that are protective of human health or the environment. The estimated excess emissions are 2.6 tons.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 3

272 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$58,373

This violation Final Assessed Penalty (adjusted for limits) \$58,373

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 18

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit is included in Violation No. 11

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 19

Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(B) and 122.143(4), FOP No. O-01372, SC 3(B)(i), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to control visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 536 F-1B forced draft dampener position ("IDAP") failed causing the heater oxygen to fall causing visible smoke from the heater stack.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$9,729

This violation Final Assessed Penalty (adjusted for limits) \$9,729

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 19

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	n/a	\$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)	\$500	15-Jan-2006	20-Mar-2006	0.2	\$4	n/a	\$4

Notes for DELAYED costs

The estimated cost of repairs from date of violation to date of repair.

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	\$500	TOTAL	\$4
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Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 20

Rule Cite(s) 30 Tex. Admin. Code §§ 115.725(a)(4) and 122.143(4), FOP No. O-01372, SC 1.H(ii), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to complete a written monitoring plan for continuous monitoring systems by December 31, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

Failed to comply with 50% of the rule requirement. The Respondent was following a draft plan until the final plan could be submitted.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$3,892

This violation Final Assessed Penalty (adjusted for limits) \$3,892

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$1,000	31-Dec-2005	31-Dec-2006	1.0	\$50	n/a	\$50

Notes for DELAYED costs

The estimated cost of completing the plan from the regulatory compliance date to actual 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

\$50

Screening Date 26-Mar-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 21

Rule Cite(s) 30 Tex. Admin. Code §§ 115.725(a)(1)(B) and 122.143(4), FOP No. O-01372, SC 1.H(i) and (ii), and Tex. Health & Safety Code §.382.085(b)

Violation Description

Failed to test HRVOC analyzers on 32 HRVOC-service heater stacks by January 30, 2006. The following analyzers were not tested and in compliance until the following dates: twenty analyzers by February 28, 2006, nine by March 31, 2006, two on April 6 and 7, 2006, and one on July 19, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 32

170 Number of violation days

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

Violation Base Penalty \$32,000

32 single events are recommended, one for each exhaust stack.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,851

Violation Final Penalty Total \$124,528

This violation Final Assessed Penalty (adjusted for limits) \$124,528

Economic Benefit Worksheet

Respondent: Houston Refining LP
Case ID/No.: 35779
Reg. Ent. Reference No.: RN100218130
Media: Air
Violation No.: 21

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Testing for 20 analyzers	\$312,500	30-Jan-2006	28-Feb-2006	0.1	\$83	\$1,655	\$1,738
Testing for 12 analyzers	\$187,500	30-Jan-2006	19-Jul-2006	0.5	\$291	\$5,822	\$6,113
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of testing analyzers from the regulatory compliance date to actual 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

\$500,000

TOTAL

\$7,851

Components (Multimedia) for the Site :

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

1. Effective Date: 08/22/2002 ADMINORDER 2001-0072-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(2)(C)
 40 CFR Part 60, Subpart J 60.105(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to install a COMS in the fluid catalytic cracking unit regeneration stack to continuously monitor and record opacity of emissions, from 10/95 thru 3/00.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to use the appropriate low span daily calibration gas for the continuous emission monitoring system (CEMS) that measures hydrogen sulfide in the fuel gas, and by failing to use the appropriate high span standard gas during the first qtr 1998.
 Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Allowed unauthorized emissions from the 736 Coker Unit fire at the "B" drum on May 7, 1999.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: SC15 PERMIT
 Description: Failed to properly calibrate the Predictive Emissions Monitoring System (PEMS) on the 537 Crude Unit F1 Heater to determine in-stack emissions of oxides of nitrogen and oxygen.
2. Effective Date: 08/07/2003 ADMINORDER 2002-1040-AIR-E (1660)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to monitor 368 valves in the Benzene and Toluene Unit in VOC service.
3. Effective Date: 12/05/2003 COURTOORDER
 Classification: Major
 Citation: 30 TAC Chapter 101, SubChapter A 101.4
 30 TAC Chapter 116, SubChapter G 116.715(a)
 Rqmt Prov: SC 1 PERMIT
 Description: Emissions of sulfur dioxide and hydrogen sulfide into the air at such concentration as to adversely affect human health or welfare or as to interfere with the reasonable use and enjoyment of property.
4. Effective Date: 07/01/2004 ADMINORDER 2003-1418-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Special Condition No. 1 PERMIT
 Description: Allowed an unauthorized release of SO2, H2S, and SO3 from the Sulfur Recovery Complex. Specifically, an emissions event occurred on December 19, 2002 which resulted in excess emissions of 85,009 lbs of SO2, 1,869 lbs of H2S, and 2,426 lbs of SO3.
5. Effective Date: 04/10/2005 ADMINORDER 2004-0866-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT
 Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.
6. Effective Date: 08/07/2005 ADMINORDER 2004-2002-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Special Condition No. 1 PERMIT
 Description: Failed to comply with permitted emissions limits.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failed to submit the initial report for the reportable emission event that occurred on

September 1, 2004 in a timely manner.

7. Effective Date: 12/15/2005 ADMINORDER 2005-1172-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT
Description: Failed to comply with permitted emissions limits.
8. Effective Date: 02/05/2006 ADMINORDER 2005-0754-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emissions limits.
9. Effective Date: 02/20/2006 ADMINORDER 2005-0359-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
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: Flexible Permit #2167, SC #2 PA
Flexible Permit #2167, SC#26 PA
Description: Failed to limit the hydrogen sulfide ("H2S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #44B PA
Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #2 PA
Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 47 PERMIT
Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #14.I PA
Description: Failed to repair three valves within 15 days of leak detection
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #37 PA

Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-ICN and TGU-ICN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA

Description: Failed to conduct the required inspections for three storage tanks.

10. Effective Date: 05/28/2006 ADMINORDER 2005-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

11. Effective Date: 06/15/2006 ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions.

12. Effective Date: 02/05/2007 ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions on March 21, 2006.

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	05/07/2002	(156186)
2	06/17/2002	(156189)
3	07/08/2002	(156192)
4	07/19/2002	(1841)
5	08/01/2002	(3456)
6	08/07/2002	(156196)
7	08/31/2002	(4788)
8	08/31/2002	(10045)
9	08/31/2002	(10424)
10	08/31/2002	(9990)
11	08/31/2002	(10142)
12	08/31/2002	(10031)
13	09/10/2002	(156199)
14	10/08/2002	(156202)
15	10/28/2002	(13011)
16	11/14/2002	(156206)
17	11/25/2002	(12940)
18	12/16/2002	(156210)

19	01/06/2003	(10859)
20	01/13/2003	(156214)
21	02/18/2003	(24723)
22	02/20/2003	(156176)
23	03/10/2003	(156179)
24	03/21/2003	(27575)
25	04/08/2003	(156183)
26	04/21/2003	(29841)
27	05/13/2003	(294606)
28	06/16/2003	(294608)
29	07/07/2003	(294610)
30	07/31/2003	(35420)
31	08/04/2003	(144785)
32	08/06/2003	(144511)
33	08/12/2003	(294612)
34	08/18/2003	(112865)
35	09/10/2003	(294614)
36	10/14/2003	(294616)
37	11/12/2003	(294617)
38	12/16/2003	(294618)
39	01/05/2004	(252510)
40	01/08/2004	(294619)
41	01/30/2004	(258069)
42	02/03/2004	(252543)
43	02/09/2004	(294599)
44	02/23/2004	(4691)
45	02/24/2004	(263274)
46	02/29/2004	(262038)
47	03/09/2004	(294603)
48	04/16/2004	(294604)
49	05/14/2004	(264609)
50	05/20/2004	(351815)
51	05/27/2004	(143412)
52	06/14/2004	(351816)
53	07/22/2004	(351817)
54	08/11/2004	(286666)
55	08/11/2004	(288389)
56	08/11/2004	(287948)
57	08/16/2004	(260979)
58	08/16/2004	(260585)
59	08/16/2004	(351818)
60	08/19/2004	(261725)
61	08/24/2004	(271493)
62	08/31/2004	(271505)
63	08/31/2004	(289666)
64	08/31/2004	(292409)
65	09/01/2004	(276631)
66	09/15/2004	(351819)
67	10/15/2004	(282886)
68	10/18/2004	(351820)
69	10/19/2004	(335898)
70	10/19/2004	(336015)
71	11/11/2004	(290238)
72	11/11/2004	(292704)
73	11/11/2004	(291091)
74	11/14/2004	(271509)
75	11/18/2004	(340059)
76	11/18/2004	(351821)
77	11/22/2004	(341679)
78	12/03/2004	(269989)
79	12/07/2004	(341250)
80	12/09/2004	(342162)
81	12/14/2004	(342195)
82	12/16/2004	(285369)
83	12/27/2004	(351822)
84	12/28/2004	(278159)
85	01/05/2005	(21204)
86	01/18/2005	(381702)

87	01/28/2005	(345654)
88	02/02/2005	(347718)
89	02/15/2005	(381700)
90	03/16/2005	(347527)
91	03/21/2005	(381701)
92	03/29/2005	(375273)
93	04/14/2005	(376977)
94	04/14/2005	(372794)
95	04/18/2005	(419493)
96	04/19/2005	(376798)
97	04/22/2005	(349552)
98	05/02/2005	(372107)
99	05/03/2005	(376226)
100	05/20/2005	(381195)
101	05/24/2005	(419494)
102	05/25/2005	(379525)
103	05/26/2005	(337173)
104	05/26/2005	(349881)
105	06/07/2005	(395018)
106	06/20/2005	(419495)
107	06/21/2005	(379593)
108	07/07/2005	(379524)
109	07/22/2005	(400281)
110	07/25/2005	(419496)
111	08/15/2005	(404916)
112	08/18/2005	(404363)
113	08/18/2005	(404331)
114	08/24/2005	(405604)
115	08/24/2005	(405556)
116	08/24/2005	(440650)
117	08/25/2005	(404773)
118	09/19/2005	(440651)
119	10/10/2005	(431795)
120	10/10/2005	(468144)
121	10/28/2005	(432450)
122	10/31/2005	(432333)
123	11/07/2005	(468145)
124	11/23/2005	(435308)
125	12/02/2005	(431511)
126	12/28/2005	(434541)
127	01/19/2006	(468146)
128	02/01/2006	(468142)
129	02/25/2006	(456998)
130	02/25/2006	(457020)
131	02/25/2006	(457004)
132	02/28/2006	(457235)
133	03/17/2006	(468143)
134	04/10/2006	(498011)
135	04/20/2006	(437368)
136	04/27/2006	(439800)
137	05/10/2006	(498012)
138	05/31/2006	(480504)
139	05/31/2006	(480500)
140	05/31/2006	(480503)
141	05/31/2006	(480506)
142	05/31/2006	(480494)
143	06/14/2006	(479843)
144	06/15/2006	(498013)
145	06/15/2006	(481316)
146	06/15/2006	(461559)
147	06/29/2006	(458901)
148	06/30/2006	(469140)
149	07/17/2006	(485790)
150	07/26/2006	(520029)
151	07/28/2006	(463199)
152	08/08/2006	(489220)
153	08/11/2006	(520030)
154	08/18/2006	(396831)

155 09/11/2006 (489202)
 156 10/06/2006 (489212)
 157 10/12/2006 (544276)
 158 10/30/2006 (511654)
 159 11/21/2006 (544277)
 160 01/09/2007 (532009)
 161 01/25/2007 (512685)
 162 02/02/2007 (435323)
 163 02/02/2007 (511662)
 164 02/05/2007 (536476)
 165 02/08/2007 (512678)
 166 02/22/2007 (510814)
 167 02/23/2007 (511980)
 168 03/21/2007 (539194)
 169 03/21/2007 (539188)
 170 03/21/2007 (539192)
 171 04/04/2007 (554793)
 172 04/04/2007 (554809)

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

Date: 07/19/2002 (1841)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: Unexempted upset emissions exceeded emission limits for SO2 and H2S under Permit No. 2167, Special Condition 1.

Date: 10/28/2002 (13011)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
 Description: Failure to inspect the ground storage tanks (1&2) at least annually.

Date: 08/18/2003 (112865)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
 Description: During this investigation, it was found LCR failed to provide proper notification of all current solid waste activities to the TCEQ.

Date: 02/03/2004 (252543)
 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 2167, Special Condition #1
 Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.

Date: 02/29/2004 (262038)
 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 TCEQ FLEXIBLE AIR PERMIT #2167, SC #1
 Description: Lyondell exceeded permit limits during an emissions event.

Date: 05/14/2004 (264609)
 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 Permit #2167, Special Condition #1
 Description: Exceeded VOC permit limit during an emissions event.

Date: 08/16/2004 (260585)
 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 TCEQ FLEXIBLE AIR PERMIT 2167, SC #1
 Description: Exceeded VOC permit limit during an avoidable emissions event.

Date: 08/16/2004 (260979)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to submit an administratively complete final emissions event report.

Date: 08/18/2004 (261725)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 Description: Failure to comply with emissions events reporting requirements.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Air Permit #2167, SC #1		
Description:	Failed to submit admin. complete final emissions event report, unauthorized emissions.		
Date:	11/14/2004 (271509)		
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 Flexible No. 2167 and PSD-TX-985, S.C. 1		
Description:	Exceeded VOC permit limits during an avoidable emissions event.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(c)		
Description:	Failure to submit a final report within 14 days of the end of an emissions event.		
Date:	11/30/2004 (351822)		
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:	12/09/2004 (342162)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a)		
Rqmt Prov:	PA Special Condition #1		
Description:	Failure to control unauthorized emissions.		
Date:	05/02/2005 (372107)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(10) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.		
Date:	05/26/2005 (379525)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to control knockout pot level on south compressor.		
Date:	07/06/2005 (379524)		
Self Report?	NO	Classification:	Moderate
Citation:	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:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6[G] 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.		
Date:	07/31/2005 (440650)		
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:	06/13/2006 (479843)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Permit #2167, SC #1		
Description:	Lyondell failed to prevent the "Y Train" from overpressuring.		
Date:	06/30/2006 (520029)		
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:	07/31/2006 (520030)		
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: 08/01/2006 (463199)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 Rqmt Prov: PA 2167 and PSD-TX-985, SC 15E
 Description: Failure to cap/plug open-ened line
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 Description: Leaking plug associated with valve #802412.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
 Rqmt Prov: PA 2167 and PSD-TX-985, SC 15F
 Description: Failure to monitor valves
 Date: 08/09/2006 (489220)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC#1
 Description: Failure to prevent the disconnection of a pressure indication instrument.
 Date: 08/18/2006 (396831)
 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 Flexible Permit No. 2167, SC #1.
 Description: The RE failed to prevent unauthorized emissions from a leaking pipe.
 Date: 10/31/2006 (544277)
 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: 01/05/2004 (263563)
 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.

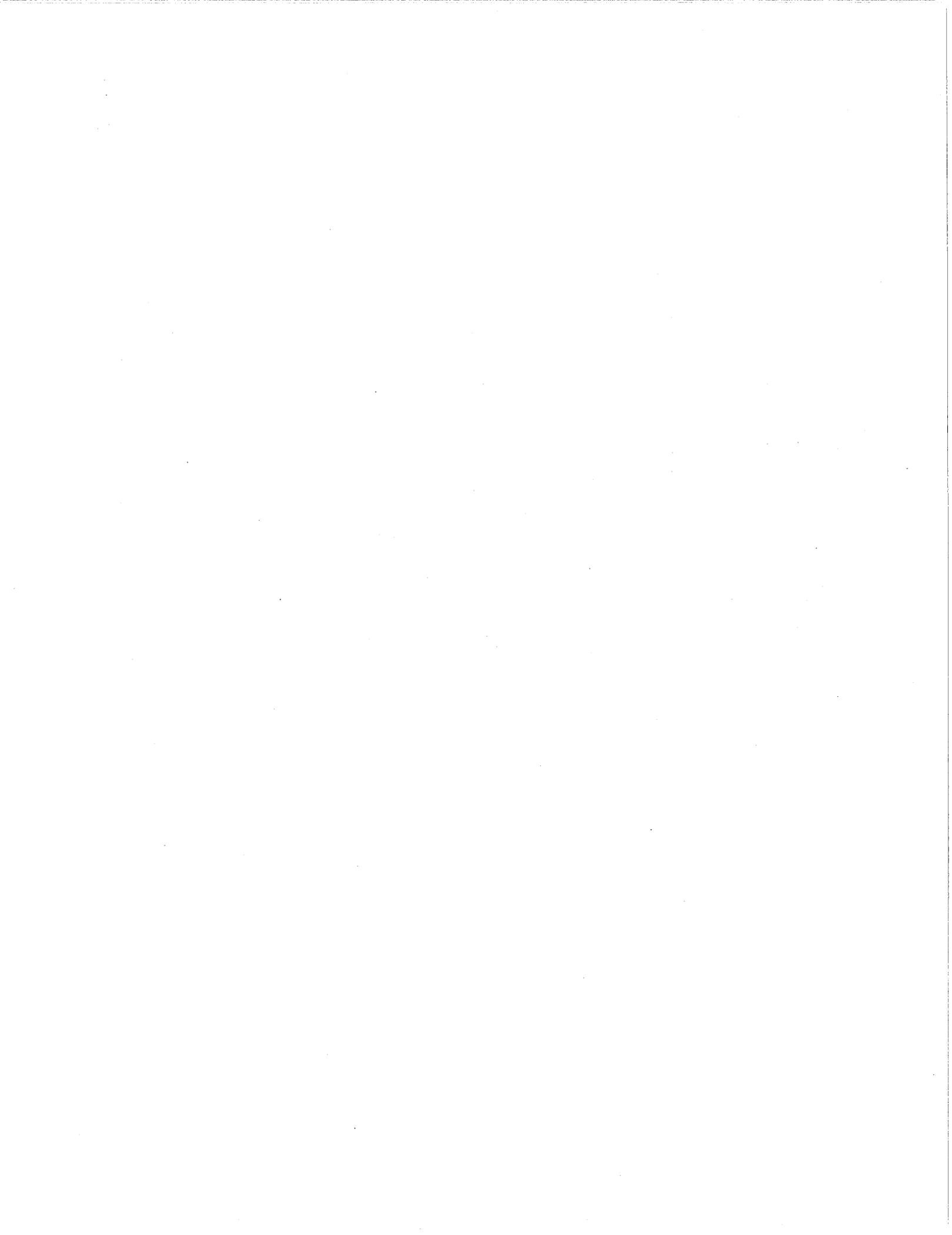
N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

DATES	Assigned	23-Apr-2008	Screening	23-Apr-2008	EPA Due	
	PCW	29-May-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Houston Refining LP		
Reg. Ent. Ref. No.	RN100218130		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	35779	No. of Violations	1	
Docket No.	2008-0674-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Miriam Hall	
Multi-Media		EC's Team	Enforcement Team 4	
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 403% Enhancement **Subtotals 2, 3, & 7**

Notes:

Culpability No 0% Enhancement **Subtotal 4**

Notes:

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 x)

Notes:

Total EB Amounts 0% Enhancement* **Subtotal 6**
 Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes:

PAYABLE PENALTY

Screening Date 23-Apr-2008

Docket No. 2008-0674-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

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)	11	55%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	8	200%
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 judgements or consent decrees meeting criteria)	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 (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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

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) 403%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to 11 NOVs issued for same or similar violations, five unrelated NOVs, seven effluent discharge violations, five agreed orders with a denial of liability, eight agreed orders without a denial of liability, and one court order. Penalty reduction due to four Notices of Intended Audits and one Disclosure of Violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 403%

Screening Date 23-Apr-2008

Docket No. 2008-0674-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

Rule Cite(s) Flexible Permit No. 2167 and PSD-TX-985, Special Condition No. 1, 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, during a March 19, 2008 emissions event (Incident No. 105193) the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 pounds ("lbs") of sulfur dioxide, 1,902 lbs of volatile organic compounds, 1,079 lbs of carbon monoxide, 154 lbs of nitrogen oxides, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code § 101.222 were not met.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		<input type="text" value="50%"/>
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				<input type="text" value="0%"/>

Matrix Notes

Human health and the environment in the Houston-Galveston-Brazoria ozone nonattainment area have been exposed to over three tons of pollutants which did not exceed levels that are protective of human health and environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty

One monthly event is recommended.

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 Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	n/a	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	19-Mar-2008	1-Jan-2009	0.8	\$197	n/a	\$197

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events caused by excess vibration in the outboard radial bearing on the steam turbine driver of the west first-stage train of the wet gas compressor. Date required is the date of the emissions event. Final date is the projected date preventative measures will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$197

Compliance History

Customer/Respondent/Owner-Operator: CN601313083 Houston Refining LP Classification: AVERAGE Rating: 7.45
 Regulated Entity: RN100218130 HOUSTON REFINING Classification: AVERAGE Site Rating: 7.45

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0048L
	AIR OPERATING PERMITS	PERMIT	1372
	AIR NEW SOURCE PERMITS	PERMIT	2167
	AIR NEW SOURCE PERMITS	PERMIT	3844
	AIR NEW SOURCE PERMITS	PERMIT	26987
	AIR NEW SOURCE PERMITS	PERMIT	31955
	AIR NEW SOURCE PERMITS	PERMIT	38735
	AIR NEW SOURCE PERMITS	PERMIT	44938
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0048L
	AIR NEW SOURCE PERMITS	REGISTRATION	54769
	AIR NEW SOURCE PERMITS	REGISTRATION	55719
	AIR NEW SOURCE PERMITS	REGISTRATION	75386
	AIR NEW SOURCE PERMITS	AFS NUM	4820100040
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX985
	AIR NEW SOURCE PERMITS	REGISTRATION	71613
	AIR NEW SOURCE PERMITS	REGISTRATION	74743
	AIR NEW SOURCE PERMITS	REGISTRATION	76934
	AIR NEW SOURCE PERMITS	REGISTRATION	78506
	AIR NEW SOURCE PERMITS	REGISTRATION	80698
	AIR NEW SOURCE PERMITS	REGISTRATION	43445
	AIR NEW SOURCE PERMITS	REGISTRATION	46595
	AIR NEW SOURCE PERMITS	REGISTRATION	49678
	AIR NEW SOURCE PERMITS	REGISTRATION	50839
	AIR NEW SOURCE PERMITS	REGISTRATION	56586
	AIR NEW SOURCE PERMITS	REGISTRATION	71380
	AIR NEW SOURCE PERMITS	REGISTRATION	81566
	AIR NEW SOURCE PERMITS	REGISTRATION	84563
	AIR NEW SOURCE PERMITS	REGISTRATION	84606
	WASTEWATER	PERMIT	WQ0000392000
	WASTEWATER	PERMIT	TPDES0003247
	WASTEWATER	EPA ID	TPDES0003247
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011570
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011570
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688979
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50106
	WATER LICENSING	LICENSE	1011570
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50106
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50106

Location: 12000 LAWNSDALE ST, HOUSTON, TX, 77017 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 23, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 23, 2003 to April 23, 2008

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

Name: Rebecca Johnson Phone: (713) 422-8931

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?
4. if Yes, who was/were the prior owner(s)?
5. When did the change(s) in ownership occur?

N/A

N/A

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: 08/07/2003

ADMINORDER 2002-1040-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 368 valves in the Benzene and Toluene Unit in VOC service.

Effective Date: 12/05/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: SC 1 PERMIT

Description: Emissions of sulfur dioxide and hydrogen sulfide into the air at such concentration as to adversely affect human health or welfare or as to interfere with the reasonable use and enjoyment of property.

Effective Date: 07/01/2004

ADMINORDER 2003-1418-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Allowed an unauthorized release of SO₂, H₂S, and SO₃ from the Sulfur Recovery Complex. Specifically, an emissions event occurred on December 19, 2002 which resulted in excess emissions of 85,009 lbs of SO₂, 1,869 lbs of H₂S, and 2,426 lbs of SO₃.

Effective Date: 04/10/2005

ADMINORDER 2004-0866-AIR-E

Classification: Moderate

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

Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT

Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

Effective Date: 08/07/2005

ADMINORDER 2004-2002-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

Effective Date: 12/15/2005

ADMINORDER 2005-1172-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006

ADMINORDER 2005-0754-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)

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

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2006

ADMINORDER 2005-0359-AIR-E

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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: Flexible Permit #2167, SC #2 PA

Flexible Permit #2167, SC#26 PA

Description: Failed to limit the hydrogen sulfide ("H₂S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit #2167, SC #44B PA

Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)

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

Rqmt Prov: Flexible Permit #2167, SC #2 PA

Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 47 PERMIT

Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.

Classification: Minor

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

30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)

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

Rqmt Prov: Flexible Permit #2167, SC #14.I PA

Description: Failed to repair three valves within 15 days of leak detection

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: Flexible Permit #2167, SC #37 PA
Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-ICN and TGU-ICN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)

30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA
Description: Failed to conduct the required inspections for three storage tanks.

Effective Date: 05/28/2006

ADMINORDER 2005-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 06/15/2006

ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2007

ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions on March 21, 2006.

Effective Date: 08/10/2007

ADMINORDER 2007-0440-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 10,494 pounds ("lbs") of sulfur dioxide, 126 lbs of carbon monoxide and 22 lbs of hydrogen sulfide were released from the Magnaformer Unit and the Sulfur Recovery Complex during an emissions event that began January 4, 2007 and lasted nine hours and 45 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 1,431 pounds ("lbs") of propane, 510 lbs of propylene and 11 lbs of butenes were released from Unit 234 during an avoidable emissions event that began January 9, 2007 and lasted eight hours.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 8,205 pounds of the Highly Reactive Volatile Organic Compound ethylene were released from the Paraxylene Recovery Unit during an avoidable emissions event that began January 16, 2007 and lasted one hour and 55 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly report the amount of ethylene emissions. Specifically, the final notification reported 7,650 lbs of ethylene were released as a result of the January 16, 2007 emissions event and the investigation determined that the actual emissions released were 8,205 lbs of ethylene.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 189 lbs of propane, 530 lbs of propylene, 821 lbs of butanes, 1,064 lbs of butenes, 3,154 lbs of pentanes, 2,589 lbs of pentenes and 13,734 lbs of C6+ Hazardous Air Pollutants ("HAP") were released from the 732 Fluid Catalytic Cracking Unit ("FCCU") during

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 72 lbs of ethylene, 2,195 lbs of propane, 7,057 lbs of propylene, 11,000 lbs of butanes, 8,990 lbs of butenes, 4,110 lbs of pentanes and 23,328 lbs of C6+ HAPs were released from the 732 FCCU during an avoidable emissions event that began March 5, 2007

Effective Date: 10/04/2007

ADMINORDER 2007-0713-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,830 lbs of SO2 from the Sulfur Recovery Complex during an avoidable emissions event that began April 3, 2007 and lasted one hour and 30 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 54,320 lbs of sulfur dioxide, 700 lbs of sulfur trioxide, 596 lbs of hydrogen sulfide, 304 lbs of ammonia and 76 lbs nitric oxide from the Sulfur Recovery Unit during an avoidable emissions event that began April 21, 2007 and lasted 16 hours and 45 minutes.

Classification: Minor

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

Description: Failed to submit an initial notification within 24 hours of the discovery of the April 21, 2007 emissions event. Specifically, the report, which was due April 22, 2007, was not submitted until April 26, 2007.

Effective Date: 12/20/2007

ADMINORDER 2006-1948-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Flexible Air Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions on October 2, 2006, when a console operator inadvertently opened the wrong valve, resulting in an emissions event that released 2,608.50 pounds of sulfur dioxide and lasted for one hour (Incident No. 82077)

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	05/13/2003	(294606)
2	06/16/2003	(294608)
3	07/07/2003	(294610)
4	07/31/2003	(35420)
5	08/04/2003	(144785)
6	08/06/2003	(144511)
7	08/12/2003	(294612)
8	08/18/2003	(112865)
9	09/10/2003	(294614)
10	10/14/2003	(294616)
11	11/07/2003	(21204)
12	11/12/2003	(294617)
13	12/16/2003	(294618)
14	01/05/2004	(252510)
15	01/08/2004	(294619)
16	01/30/2004	(258069)
17	02/03/2004	(252543)
18	02/09/2004	(294599)
19	02/23/2004	(4691)
20	02/24/2004	(263274)
21	02/29/2004	(262038)
22	03/09/2004	(294603)
23	04/16/2004	(294604)
24	05/14/2004	(264609)
25	05/20/2004	(351815)
26	05/27/2004	(143412)
27	06/14/2004	(351816)
28	07/22/2004	(351817)
29	08/11/2004	(286666)

30	08/11/2004	(288389)
31	08/11/2004	(287948)
32	08/16/2004	(260979)
33	08/16/2004	(260585)
34	08/16/2004	(351818)
35	08/19/2004	(261725)
36	08/24/2004	(271493)
37	08/31/2004	(271505)
38	08/31/2004	(289666)
39	08/31/2004	(292409)
40	09/01/2004	(276631)
41	09/15/2004	(351819)
42	10/15/2004	(282886)
43	10/18/2004	(351820)
44	10/19/2004	(335898)
45	10/19/2004	(336015)
46	11/11/2004	(290238)
47	11/11/2004	(292704)
48	11/11/2004	(291091)
49	11/14/2004	(271509)
50	11/18/2004	(340059)
51	11/18/2004	(351821)
52	11/22/2004	(341679)
53	12/03/2004	(269989)
54	12/07/2004	(341250)
55	12/09/2004	(342162)
56	12/14/2004	(342195)
57	12/16/2004	(285369)
58	12/27/2004	(351822)
59	12/28/2004	(278159)
60	01/18/2005	(381702)
61	01/28/2005	(345654)
62	02/02/2005	(347718)
63	02/15/2005	(381700)
64	03/16/2005	(347527)
65	03/21/2005	(381701)
66	03/29/2005	(375273)
67	04/14/2005	(376977)
68	04/14/2005	(372794)
69	04/18/2005	(419493)
70	04/19/2005	(376798)
71	04/22/2005	(349552)
72	05/02/2005	(372107)
73	05/03/2005	(376226)
74	05/20/2005	(381195)
75	05/24/2005	(419494)
76	05/25/2005	(379525)
77	05/26/2005	(337173)
78	05/26/2005	(349881)
79	06/07/2005	(395018)
80	06/20/2005	(419495)
81	06/21/2005	(379593)
82	07/07/2005	(379524)
83	07/22/2005	(400281)
84	07/25/2005	(419496)
85	08/15/2005	(404916)
86	08/18/2005	(404363)
87	08/18/2005	(404331)
88	08/24/2005	(405604)
89	08/24/2005	(405556)
90	08/24/2005	(440650)
91	08/25/2005	(404773)
92	09/19/2005	(440651)
93	10/10/2005	(431795)
94	10/10/2005	(468144)
95	10/28/2005	(432450)
96	10/31/2005	(432333)
97	11/07/2005	(468145)
98	11/23/2005	(435308)
99	12/02/2005	(431511)

100	12/28/2005	(434541)
101	01/19/2006	(468146)
102	02/01/2006	(468142)
103	02/25/2006	(456998)
104	02/25/2006	(457020)
105	02/25/2006	(457004)
106	02/28/2006	(457235)
107	03/17/2006	(468143)
108	04/10/2006	(498011)
109	04/20/2006	(437368)
110	04/27/2006	(439800)
111	05/10/2006	(498012)
112	05/31/2006	(480504)
113	05/31/2006	(480500)
114	05/31/2006	(480503)
115	05/31/2006	(480506)
116	05/31/2006	(480494)
117	06/14/2006	(479843)
118	06/15/2006	(498013)
119	06/15/2006	(481316)
120	06/15/2006	(461559)
121	06/29/2006	(458901)
122	06/30/2006	(469140)
123	07/17/2006	(485790)
124	07/26/2006	(520029)
125	07/28/2006	(463199)
126	08/08/2006	(489220)
127	08/11/2006	(520030)
128	08/18/2006	(396831)
129	09/11/2006	(574927)
130	09/11/2006	(489202)
131	10/06/2006	(489212)
132	10/12/2006	(544276)
133	10/30/2006	(511654)
134	11/21/2006	(544277)
135	12/11/2006	(574928)
136	01/08/2007	(574929)
137	01/09/2007	(532009)
138	01/25/2007	(512685)
139	02/02/2007	(435323)
140	02/02/2007	(511662)
141	02/05/2007	(536476)
142	02/08/2007	(512678)
143	02/16/2007	(574922)
144	02/22/2007	(510814)
145	02/23/2007	(511980)
146	03/16/2007	(574923)
147	03/21/2007	(539194)
148	03/21/2007	(539188)
149	03/21/2007	(539192)
150	04/04/2007	(554793)
151	04/04/2007	(554809)
152	04/13/2007	(574924)
153	04/20/2007	(556941)
154	04/24/2007	(557537)
155	04/30/2007	(554360)
156	05/04/2007	(556720)
157	05/09/2007	(554980)
158	05/15/2007	(574925)
159	05/29/2007	(559572)
160	06/14/2007	(574926)
161	07/03/2007	(563761)
162	07/12/2007	(619397)
163	07/20/2007	(561274)
164	07/25/2007	(566621)
165	08/13/2007	(601490)
166	08/17/2007	(570286)
167	08/23/2007	(570387)
168	08/28/2007	(570635)
169	09/07/2007	(573978)
170	09/14/2007	(601491)

171 09/27/2007 (595742)
 172 10/08/2007 (619398)
 173 10/10/2007 (594976)
 174 10/17/2007 (567541)
 175 10/18/2007 (566919)
 176 10/19/2007 (598478)
 177 10/25/2007 (596179)
 178 11/06/2007 (619399)
 179 11/09/2007 (599574)
 180 12/04/2007 (600555)
 181 12/10/2007 (619400)
 182 12/21/2007 (610028)
 183 01/15/2008 (612806)
 184 01/18/2008 (609373)
 185 01/25/2008 (613320)
 186 01/28/2008 (616032)
 187 01/29/2008 (611265)
 188 03/03/2008 (616148)
 189 04/07/2008 (617770)
 190 04/08/2008 (595524)
 191 04/22/2008 (640670)
 192 04/22/2008 (639660)

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

Date: 08/18/2003 (112865)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: During this investigation, it was found LCR failed to provide proper notification of all current solid waste activities to the TCEQ.

Date: 02/03/2004 (252543)

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 2167, Special Condition #1

Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.

Date: 02/29/2004 (262038)

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 TCEQ FLEXIBLE AIR PERMIT #2167, SC #1

Description: Lyondell exceeded permit limits during an emissions event.

Date: 05/14/2004 (264609)

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 Permit #2167, Special Condition #1

Description: Exceeded VOC permit limit during an emissions event.

Date: 08/16/2004 (260585)

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 TCEQ FLEXIBLE AIR PERMIT 2167, SC #1

Description: Exceeded VOC permit limit during an avoidable emissions event.

Self Report? NO Classification: Minor

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

Description: Failure to submit an administratively complete final emissions event report.

Date: 08/16/2004 (260979)

Self Report? NO Classification: Minor

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

Description: Failure to comply with emissions events reporting requirements.

Date: 08/18/2004 (261725)

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Air Permit #2167, SC #1		
Description:	Failure to submit an administratively complete final emissions event report.		
Date:	11/14/2004	(271509)	
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 Flexible No. 2167 and PSD-TX-985, S.C. 1		
Description:	Exceeded VOC permit limits during an avoidable emissions event.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(c)		
Description:	Failure to submit a final report within 14 days of the end of an emissions event.		
Date:	11/30/2004	(351822)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	12/09/2004	(342162)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a)		
Rqmt Prov:	PA Special Conditon #1		
Description:	Failure to control unauthorized emissions.		
Date:	05/02/2005	(372107)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(10) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.		
Date:	05/26/2005	(379525)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to control knockout pot level on south compressor.		
Date:	07/06/2005	(379524)	
Self Report?	NO	Classification:	Moderate
Citation:	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:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.		
Date:	07/31/2005	(440650)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/13/2006	(479843)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		

Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC #1
Description: Lyondell failed to prevent the "Y Train" from overpressuring.

Date: 06/30/2006 (520029)

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

Date: 07/31/2006 (520030)

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

Date: 08/01/2006 (463199)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: PA 2167 and PSD-TX-985, SC 15E
Description: Failure to cap/plug open-ened line

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
Description: Leaking plug associated with valve #802412.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Rqmt Prov: PA 2167 and PSD-TX-985, SC 15F
Description: Failure to monitor valves

Date: 08/09/2006 (489220)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC#1
Description: Failure to prevent the disconnection of a pressure indication instrument.

Date: 08/18/2006 (396831)

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 Flexible Permit No. 2167, SC #1.
Description: The RE failed to prevent unauthorized emissions from a leaking pipe.

Date: 10/31/2006 (544277)

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

Date: 08/31/2007 (601491)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2007 (619398)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Notice of Intent Date: 01/05/2004 (263563)

No DOV Associated

Notice of Intent Date: 08/15/2007 (574133)

No DOV Associated

Notice of Intent Date: 09/05/2007 (595042)

Disclosure Date: 02/13/2008

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT 2167 SC 14E, 15E,

Description: Failure to provide seals for open ended lines that contain VOCs.

Disclosure Date: 04/03/2008

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT 2167 SC 14E, 15E,

Description: Failure to provide seals for open ended lines that contain VOCs.

Notice of Intent Date: 10/04/2007 (598208)

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	5-Jul-2007	Screening	5-Jul-2007	EPA Due	29-Mar-2008
	PCW	13-May-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Houston Refining LP		
Reg. Ent. Ref. No.	RN100218130		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35779	No. of Violations	3	
Docket No.	2008-0674-MLM-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Miriam Hall	
Multi-Media	Water Quality	EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 350% Enhancement Subtotals 2, 3, & 7 \$9,450

Notes: Enhancement due to ten NOV's with same or similar violations, 13 NOV's with unrelated violations (including five self-reported monthly effluent violations), six 1660 Agreed Orders, five Findings Orders, and one court order. Reduction due to one notice of audit letter.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$275 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$7,500 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$12,150

OTHER FACTORS AS JUSTICE MAY REQUIRE

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

Adjustment \$0

Notes:

Final Penalty Amount \$12,150

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$10,900

DEFERRAL

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

20% Reduction **Adjustment** -\$2,180

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$8,720

Screening Date 5-Jul-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

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	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 350%

>> 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 due to ten NOVs with same or similar violations, 13 NOVs with unrelated violations (including five self-reported monthly effluent violations), six 1660 Agreed Orders, five Findings Orders, and one court order. Reduction due to one notice of audit letter.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 350%

Screening Date 5-Jul-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b), and Permit No. 2167, Special Condition No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,781 pounds of nitrogen oxide ("NOx") from the Fluid Catalytic Cracking Unit ("FCCU") during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, the Respondent failed to meet the demonstrations necessary to present an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that did not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

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 \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$147

Violation Final Penalty Total \$11,250

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

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Description	Item Cost <small>No commas or \$</small>	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)				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)	\$4,000	28-May-2007	20-Feb-2008	0.7	\$147	n/a	\$147

Notes for DELAYED costs
 Estimated expense to implement procedures to ensure proper control of the FCCU Regenerator. Date required is the date of the emissions event. Final date is the estimated date that corrective action will be completed.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,000 **TOTAL** \$147

Screening Date 5-Jul-2007 Docket No. 2008-0674-MLM-E PCW
 Respondent Houston Refining LP
 Case ID No. 35779 Policy Revision 2 (September 2002)
 Reg. Ent. Reference No. RN100218130 PCW Revision May 25, 2007

Media [Statute] Air
 Enf. Coordinator Miriam Hall

Violation Number

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

Violation Description Failed to properly report the amount of unauthorized NOx emissions released as a result of the May 28, 2007 emissions event.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

The Respondent has met at least 70 % of the rule requirement.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

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 Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
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				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	28-May-2007	20-Feb-2008	0.7	\$55	n/a	\$55
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	28-May-2007	20-Feb-2008	0.7	\$9	n/a	\$9

Notes for DELAYED costs: Estimated expense to submit a revised final report and to implement measures designed to ensure the proper reporting of emission quantities resulting from future emissions events. Date required is the date of the emissions event. Final date is the estimated date that corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$64

Screening Date 5-Jul-2007

Docket No. 2008-0674-MLM-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35779

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number

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

Violation Description

Failed to submit the initial notification for the May 28, 2007 emissions event in a timely manner. Specifically, the report, which was due May 29, 2007, was not submitted until May 31, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>

Percent

Matrix Notes

The Respondent has met at least 70% of the rule requirement.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

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 Houston Refining LP
Case ID No. 35779
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	29-May-2007	20-Feb-2008	0.7	\$55	n/a	\$55
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	29-May-2007	20-Feb-2008	0.7	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost for Plant personnel to file a timely initial notification and to implement measures designed to ensure the proper reporting of emissions events. Date required is 24 hours after the Plant discovered the event. Final date is the estimated date new reporting procedures will be implemented.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$64

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: 08/22/2002

ADMINORDER 2001-0072-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(2)(C)
40 CFR Part 60, Subpart J 60.105(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to install a COMS in the fluid catalytic cracking unit regeneration stack to continuously monitor and record opacity of emissions, from 10/95 thru 3/00.

Classification: Moderate

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

Description: Failed to use the appropriate low span daily calibration gas for the continuous emission monitoring system (CEMS) that measures hydrogen sulfide in the fuel gas, and by failing to use the appropriate high span standard gas during the first qtr 1998.

Classification: Moderate

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

Description: Allowed unauthorized emissions from the 736 Coker Unit fire at the "B" drum on May 7, 1999.

Classification: Moderate

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

Rqmt Prov: SC15 PERMIT

Description: Failed to properly calibrate the Predictive Emissions Monitoring System (PEMS) on the 537 Crude Unit F1 Heater to determine in-stack emissions of oxides of nitrogen and oxygen.

Effective Date: 08/07/2003

ADMINORDER 2002-1040-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 368 valves in the Benzene and Toluene Unit in VOC service.

Effective Date: 12/05/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: SC 1 PERMIT

Description: Emissions of sulfur dioxide and hydrogen sulfide into the air at such concentration as to adversely affect human health or welfare or as to interfere with the reasonable use and enjoyment of property.

Effective Date: 07/01/2004

ADMINORDER 2003-1418-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Allowed an unauthorized release of SO₂, H₂S, and SO₃ from the Sulfur Recovery Complex. Specifically, an emissions event occurred on December 19, 2002 which resulted in excess emissions of 85,009 lbs of SO₂, 1,869 lbs of H₂S, and 2,426 lbs of SO₃.

Effective Date: 04/10/2005

ADMINORDER 2004-0866-AIR-E

Classification: Moderate

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

Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT

Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

Effective Date: 08/07/2005

ADMINORDER 2004-2002-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

Effective Date: 12/15/2005

ADMINORDER 2005-1172-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006

ADMINORDER 2005-0754-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2006

ADMINORDER 2005-0359-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
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: Flexible Permit #2167, SC #2 PA
Flexible Permit #2167, SC#26 PA

Description: Failed to limit the hydrogen sulfide ("H2S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #44B PA
Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #2 PA
Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 47 PERMIT
Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #14.I PA
Description: Failed to repair three valves within 15 days of leak detection

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #37 PA
Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-ICN and TGU-ICN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA
Description: Failed to conduct the required inspections for three storage tanks.

Effective Date: 05/28/2006 ADMINORDER 2005-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 06/15/2006 ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2007 ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions on March 21, 2006.

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	07/08/2002	(156192)
2	07/19/2002	(1841)
3	08/01/2002	(3456)
4	08/07/2002	(156196)

5	08/31/2002	(4788)
6	08/31/2002	(10045)
7	08/31/2002	(10424)
8	08/31/2002	(9990)
9	08/31/2002	(10142)
10	08/31/2002	(10031)
11	09/10/2002	(156199)
12	10/08/2002	(156202)
13	10/28/2002	(13011)
14	11/14/2002	(156206)
15	11/25/2002	(12940)
16	12/16/2002	(156210)
17	01/06/2003	(10859)
18	01/13/2003	(156214)
19	02/18/2003	(24723)
20	02/20/2003	(156176)
21	03/10/2003	(156179)
22	03/21/2003	(27575)
23	04/08/2003	(156183)
24	04/21/2003	(29841)
25	05/13/2003	(294606)
26	06/16/2003	(294608)
27	07/07/2003	(294610)
28	07/31/2003	(35420)
29	08/04/2003	(144785)
30	08/06/2003	(144511)
31	08/12/2003	(294612)
32	08/18/2003	(112865)
33	09/10/2003	(294614)
34	10/14/2003	(294616)
35	11/07/2003	(21204)
36	11/12/2003	(294617)
37	12/16/2003	(294618)
38	01/05/2004	(252510)
39	01/08/2004	(294619)
40	01/30/2004	(258069)
41	02/03/2004	(252543)
42	02/09/2004	(294599)
43	02/23/2004	(4691)
44	02/24/2004	(263274)
45	02/29/2004	(262038)
46	03/09/2004	(294603)
47	04/16/2004	(294604)
48	05/14/2004	(264609)
49	05/20/2004	(351815)
50	05/27/2004	(143412)
51	06/14/2004	(351816)
52	07/22/2004	(351817)
53	08/11/2004	(286666)
54	08/11/2004	(288389)
55	08/11/2004	(287948)
56	08/16/2004	(260979)
57	08/16/2004	(260585)
58	08/16/2004	(351818)
59	08/19/2004	(261725)
60	08/24/2004	(271493)
61	08/31/2004	(271505)
62	08/31/2004	(289666)
63	08/31/2004	(292409)
64	09/01/2004	(276631)
65	09/15/2004	(351819)
66	10/15/2004	(282886)
67	10/18/2004	(351820)
68	10/19/2004	(335898)
69	10/19/2004	(336015)
70	11/11/2004	(290238)
71	11/11/2004	(292704)
72	11/11/2004	(291091)

73	11/14/2004	(271509)
74	11/18/2004	(340059)
75	11/18/2004	(351821)
76	11/22/2004	(341679)
77	12/03/2004	(269989)
78	12/07/2004	(341250)
79	12/09/2004	(342162)
80	12/14/2004	(342195)
81	12/16/2004	(285369)
82	12/27/2004	(351822)
83	12/28/2004	(278159)
84	01/18/2005	(381702)
85	01/28/2005	(345654)
86	02/02/2005	(347718)
87	02/15/2005	(381700)
88	03/16/2005	(347527)
89	03/21/2005	(381701)
90	03/29/2005	(375273)
91	04/14/2005	(376977)
92	04/14/2005	(372794)
93	04/18/2005	(419493)
94	04/19/2005	(376798)
95	04/22/2005	(349552)
96	05/02/2005	(372107)
97	05/03/2005	(376226)
98	05/20/2005	(381195)
99	05/24/2005	(419494)
100	05/25/2005	(379525)
101	05/26/2005	(337173)
102	05/26/2005	(349881)
103	06/07/2005	(395018)
104	06/20/2005	(419495)
105	06/21/2005	(379593)
106	07/07/2005	(379524)
107	07/22/2005	(400281)
108	07/25/2005	(419496)
109	08/15/2005	(404916)
110	08/18/2005	(404363)
111	08/18/2005	(404331)
112	08/24/2005	(405604)
113	08/24/2005	(405556)
114	08/24/2005	(440650)
115	08/25/2005	(404773)
116	09/19/2005	(440651)
117	10/10/2005	(431795)
118	10/10/2005	(468144)
119	10/28/2005	(432450)
120	10/31/2005	(432333)
121	11/07/2005	(468145)
122	11/23/2005	(435308)
123	12/02/2005	(431511)
124	12/28/2005	(434541)
125	01/19/2006	(468146)
126	02/01/2006	(468142)
127	02/25/2006	(456998)
128	02/25/2006	(457020)
129	02/25/2006	(457004)
130	02/28/2006	(457235)
131	03/17/2006	(468143)
132	04/10/2006	(498011)
133	04/20/2006	(437368)
134	04/27/2006	(439800)
135	05/10/2006	(498012)
136	05/31/2006	(480504)
137	05/31/2006	(480500)
138	05/31/2006	(480503)
139	05/31/2006	(480506)
140	05/31/2006	(480494)

141 06/14/2006 (479843)
 142 06/15/2006 (498013)
 143 06/15/2006 (481316)
 144 06/15/2006 (461559)
 145 06/29/2006 (458901)
 146 06/30/2006 (469140)
 147 07/17/2006 (485790)
 148 07/26/2006 (520029)
 149 07/28/2006 (463199)
 150 08/08/2006 (489220)
 151 08/11/2006 (520030)
 152 08/18/2006 (396831)
 153 09/11/2006 (489202)
 154 10/06/2006 (489212)
 155 10/12/2006 (544276)
 156 10/30/2006 (511654)
 157 11/21/2006 (544277)
 158 01/09/2007 (532009)
 159 01/25/2007 (512685)
 160 02/02/2007 (435323)
 161 02/02/2007 (511662)
 162 02/05/2007 (536476)
 163 02/08/2007 (512678)
 164 02/22/2007 (510814)
 165 02/23/2007 (511980)
 166 03/21/2007 (539194)
 167 03/21/2007 (539188)
 168 03/21/2007 (539192)
 169 04/04/2007 (554793)
 170 04/04/2007 (554809)
 171 04/20/2007 (556941)
 172 04/24/2007 (557537)
 173 04/30/2007 (554360)
 174 05/04/2007 (556720)
 175 05/09/2007 (554980)
 176 05/29/2007 (559572)
 177 07/03/2007 (563761)

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

Date: 07/19/2002 (1841)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 Description: Unexempted upset emissions exceeded emission limits for SO2 and H2S under Permit No. 2167, Special Condition 1.
 Date: 10/28/2002 (13011)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
 Description: Failure to inspect the ground storage tanks (1&2) at least annually.
 Date: 08/18/2003 (112865)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]
 Description: During this investigation, it was found LCR failed to provide proper notification of all current solid waste activities to the TCEQ.
 Date: 02/03/2004 (252543)
 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 2167, Special Condition #1
 Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.
 Date: 02/29/2004 (262038)
 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 TCEQ FLEXIBLE AIR PERMIT #2167, SC #1
 Description: Lyondell exceeded permit limits during an emissions event.
 Date: 05/14/2004 (264609)
 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 Permit #2167, Special Condition #1		
Description:	Exceeded VOC permit limit during an emissions event.		
Date:	08/16/2004 (260585)		
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 TCEQ FLEXIBLE AIR PERMIT 2167, SC #1		
Description:	Exceeded VOC permit limit during an avoidable emissions event.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
Description:	Failure to submit an administratively complete final emissions event report.		
Date:	08/16/2004 (260979)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8)		
Description:	Failure to comply with emissions events reporting requirements.		
Date:	08/18/2004 (261725)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(8) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Air Permit #2167, SC #1		
Description:	Failure to submit an administratively complete final emissions event report.		
Date:	11/14/2004 (271509)		
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 Flexible No. 2167 and PSD-TX-985, S.C. 1		
Description:	Exceeded VOC permit limits during an avoidable emissions event.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(c)		
Description:	Failure to submit a final report within 14 days of the end of an emissions event.		
Date:	11/30/2004 (351822)		
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:	12/09/2004 (342162)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a)		
Rqmt Prov:	PA Special Condition #1		
Description:	Failure to control unauthorized emissions.		
Date:	05/02/2005 (372107)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(10) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.		
Date:	05/26/2005 (379525)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to control knockout pot level on south compressor.		
Date:	07/06/2005 (379524)		
Self Report?	NO	Classification:	Moderate
Citation:	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:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6[G] 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT Special Condition 15E		
Description:	Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.		
Date:	07/31/2005 (440650)		

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:	06/13/2006 (479843)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Permit #2167, SC #1		
Description:	Lyondell failed to prevent the "Y Train" from overpressuring.		
Date:	06/30/2006 (520029)		
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:	07/31/2006 (520030)		
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:	08/01/2006 (463199)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
Rqmt Prov:	PA 2167 and PSD-TX-985, SC 15E		
Description:	Failure to cap/plug open-ened line		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)		
Description:	Leaking plug associated with valve #802412.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)		
Rqmt Prov:	PA 2167 and PSD-TX-985, SC 15F		
Description:	Failure to monitor valves		
Date:	08/09/2006 (489220)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Flexible Permit #2167, SC#1		
Description:	Failure to prevent the disconnection of a pressure indication instrument.		
Date:	08/18/2006 (396831)		
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 Flexible Permit No. 2167, SC #1.		
Description:	The RE failed to prevent unauthorized emissions from a leaking pipe.		
Date:	10/31/2006 (544277)		
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: 01/05/2004 (263563)
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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 22 AM 11:36
CHIEF CLERKS OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HOUSTON REFINING LP
RN100218130

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§

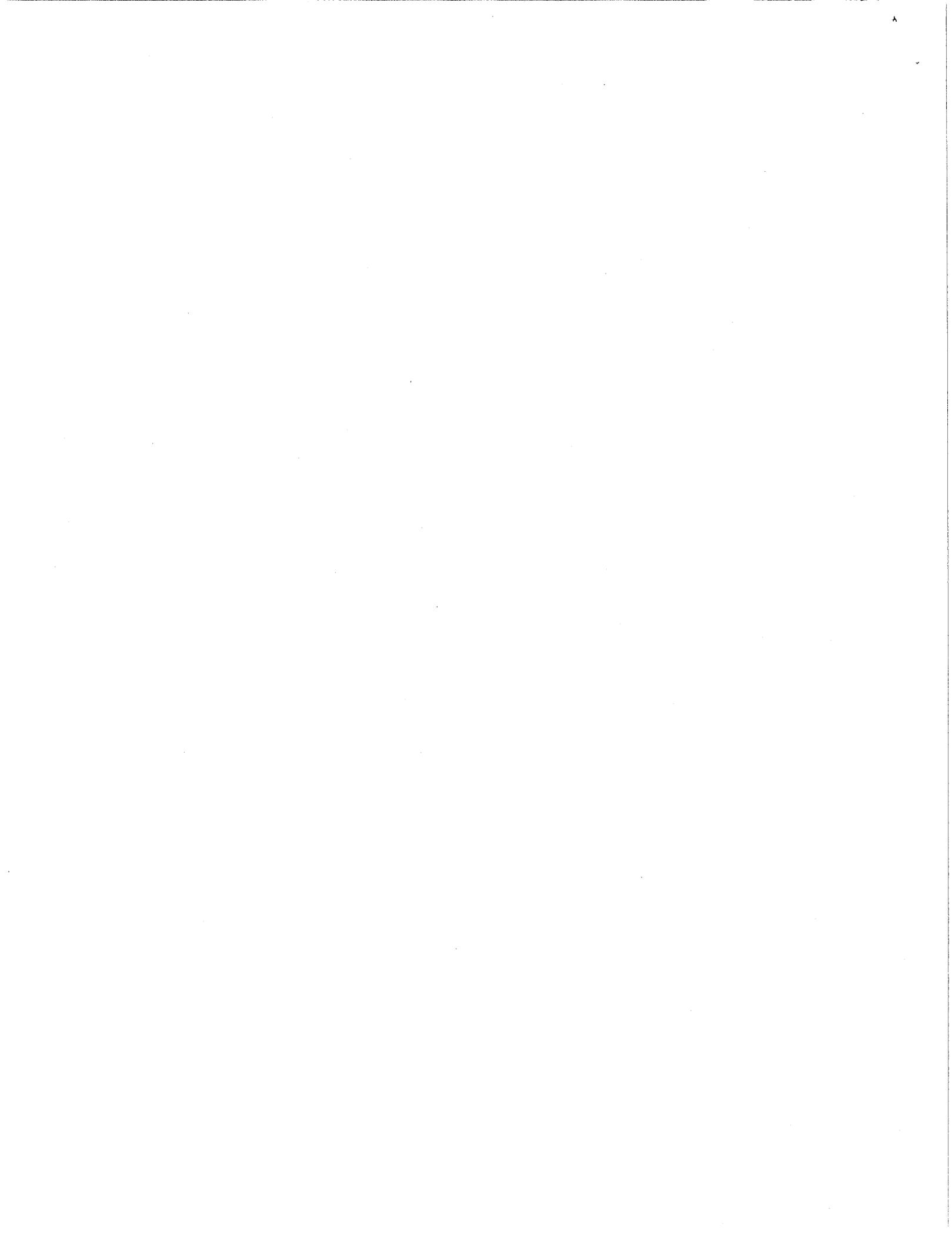
BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0674-MLM-E

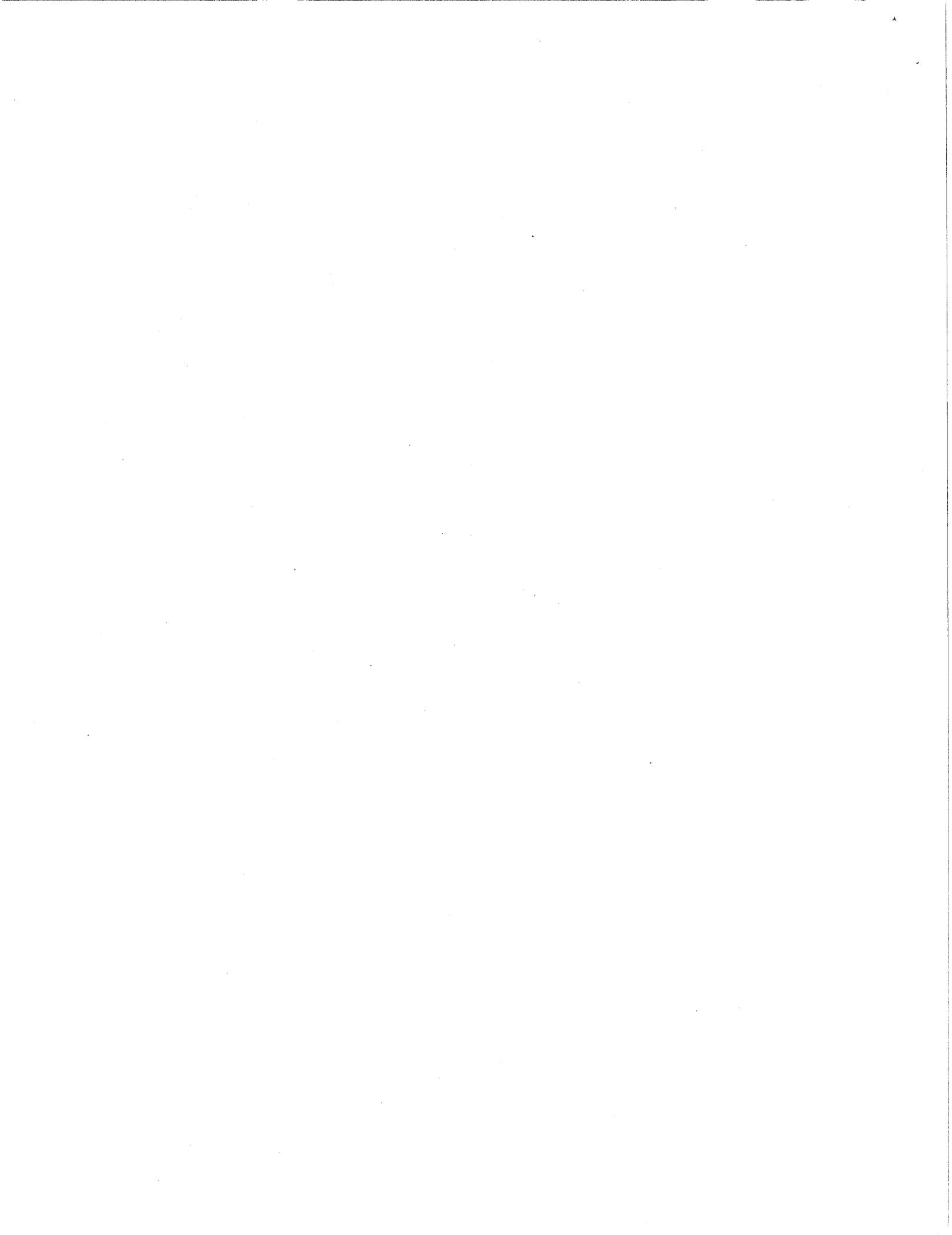
I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP ("Houston Refining") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Houston Refining, represented by Jennifer Keane of the law firm of Baker Botts L.L.P., appear before the Commission and together stipulate that:

1. Houston Refining owns and operates a refinery and associated wastewater treatment facility at 12000 Lawndale Street in Houston, 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. Houston Refining has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
4. The Commission and Houston Refining agree that the Commission has jurisdiction to enter this Agreed Order, and that Houston Refining is subject to the Commission's jurisdiction.
5. Houston Refining received notice of the violations alleged in Section II ("Allegations") on or about March 14, May 7, July 8, and November 14, 2007, and April 27, 2008.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Houston Refining of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



7. An administrative penalty in the amount of Four Hundred Eighty-One Thousand One Hundred Five Dollars (\$481,105) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Houston Refining has paid One Hundred Ninety-Two Thousand Four Hundred Forty-Two Dollars (\$192,442) of the administrative penalty and Ninety-Six Thousand Two Hundred Twenty-One Dollars (\$96,221) is deferred contingent upon the Houston Refining's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Houston Refining fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Houston Refining to pay all or part of the deferred penalty. One Hundred Ninety-Two Thousand Four Hundred Forty-Two Dollars (\$192,442) shall be conditionally offset by Houston Refining's completion of two Supplemental Environmental Projects ("SEPs").
8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
9. The Executive Director of the TCEQ and Houston Refining have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that Houston Refining has implemented the following corrective measures at the Plant:
 - a. By January 31, 2007, made all repairs and adjustments to cooling tower heat exchange system Highly-Reactive Volatile Organic Compound ("HRVOC") analyzers to make them fully operational;
 - b. By December 2, 2005, received a new shipment of calibration gas and repaired the sulfur dioxide analyzer on the 435 Unit;
 - c. On the same days that monitoring showed outages, verified that all flare pilot lights were on;
 - d. By April 28, 2006, replaced the plugs on 13 open-ended lines;
 - e. By December 31, 2005, provided additional training to ensure that monthly visual inspections were performed on all drain systems;
 - f. By December 13, 2005 adjusted the wet gas scrubber operating parameters to work properly after the December 4, 2005 startup, and in May 2006, made process adjustments until the cooling water line could be repaired and replaced on May 27, 2006;
 - g. On November 28, 2005, replaced the carbon in the carbon canister that had breakthrough;
 - h. On January 10, 2006, replaced the run-time meter on the firewater pump at Dock A;
 - i. On July 7 and August 3, 2005, performed required semi-annual seal inspections on Tank Nos. 32TK0854 and 137TK0412, respectively;

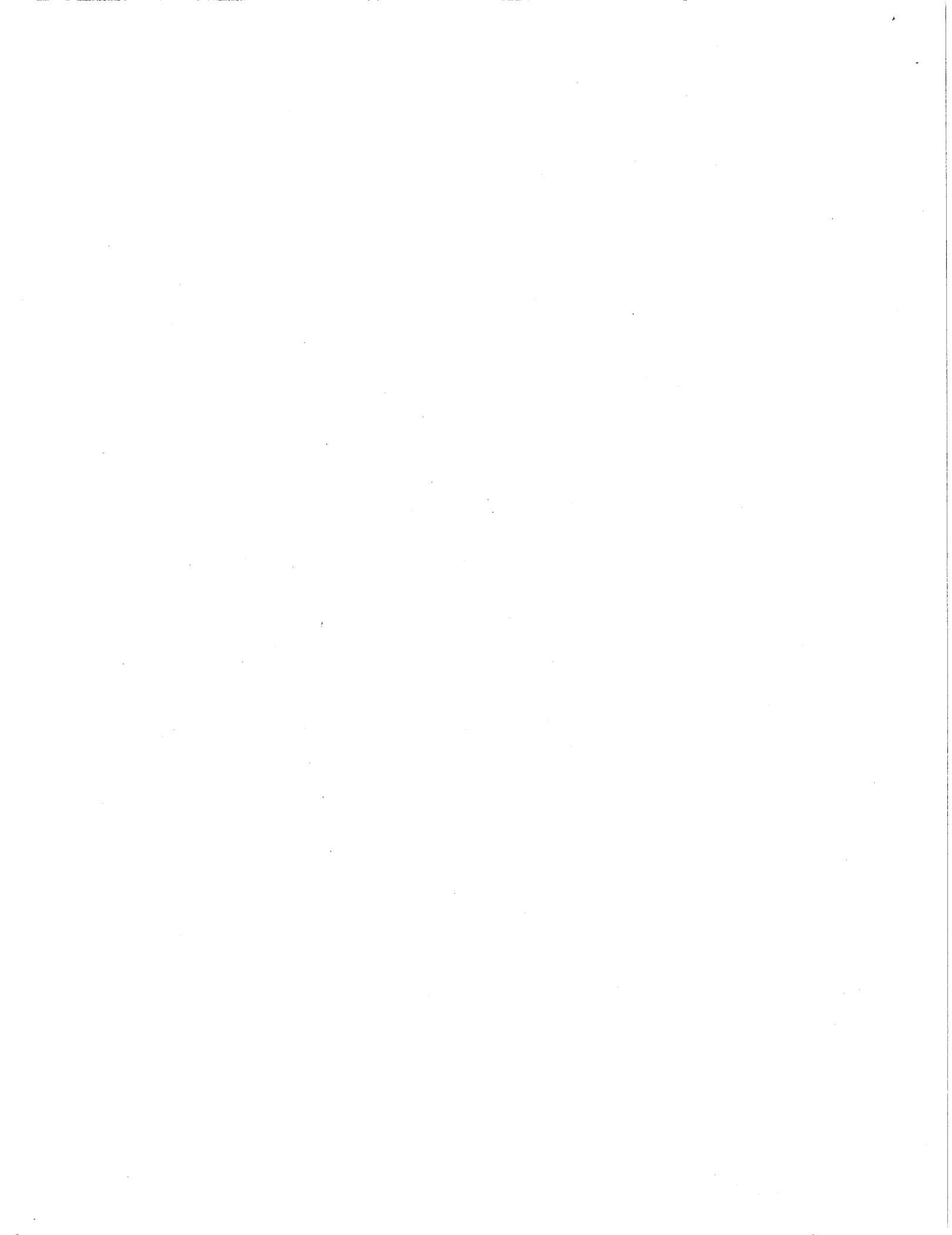


- j. On February 22, 2006, performed the required seal gap inspection on Tank No. 137TK0890;
 - k. In July 2005, replaced leak detection and repair ("LDAR") monitoring contractor, and by December 31, 2006 finished identifying and retagging all components properly, entered missing components into the fugitive emission monitoring system database, and monitored all components;
 - l. By December 31, 2005, completed repairs and reinspections of the eight components found leaking during audio visual olfactory ("AVO") inspections, updated databases with repair dates, and updated procedures for AVO monitoring;
 - m. By September 12, 2005, repaired two valves found leaking on August 11, 2005 and coached data entry clerk and repair technician on the criticality of tracking open leaks and proper data entry;
 - n. By May 16, 2006, repaired the leaking valves and connectors in HRVOC service found leaking March 8 through May 3, 2006 and coached staff;
 - o. On January 15, 2006, adjusted processes to prevent visible emissions until repairs on the 536 F-1B forced draft dampener position ("IDAP") were completed on March 20, 2006;
 - p. On December 31, 2006, completed the written monitoring plan for continuous monitoring systems; and
 - q. On July 19, 2006, completed testing of 32 HRVOC analyzers on service heater stacks.
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Houston Refining has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

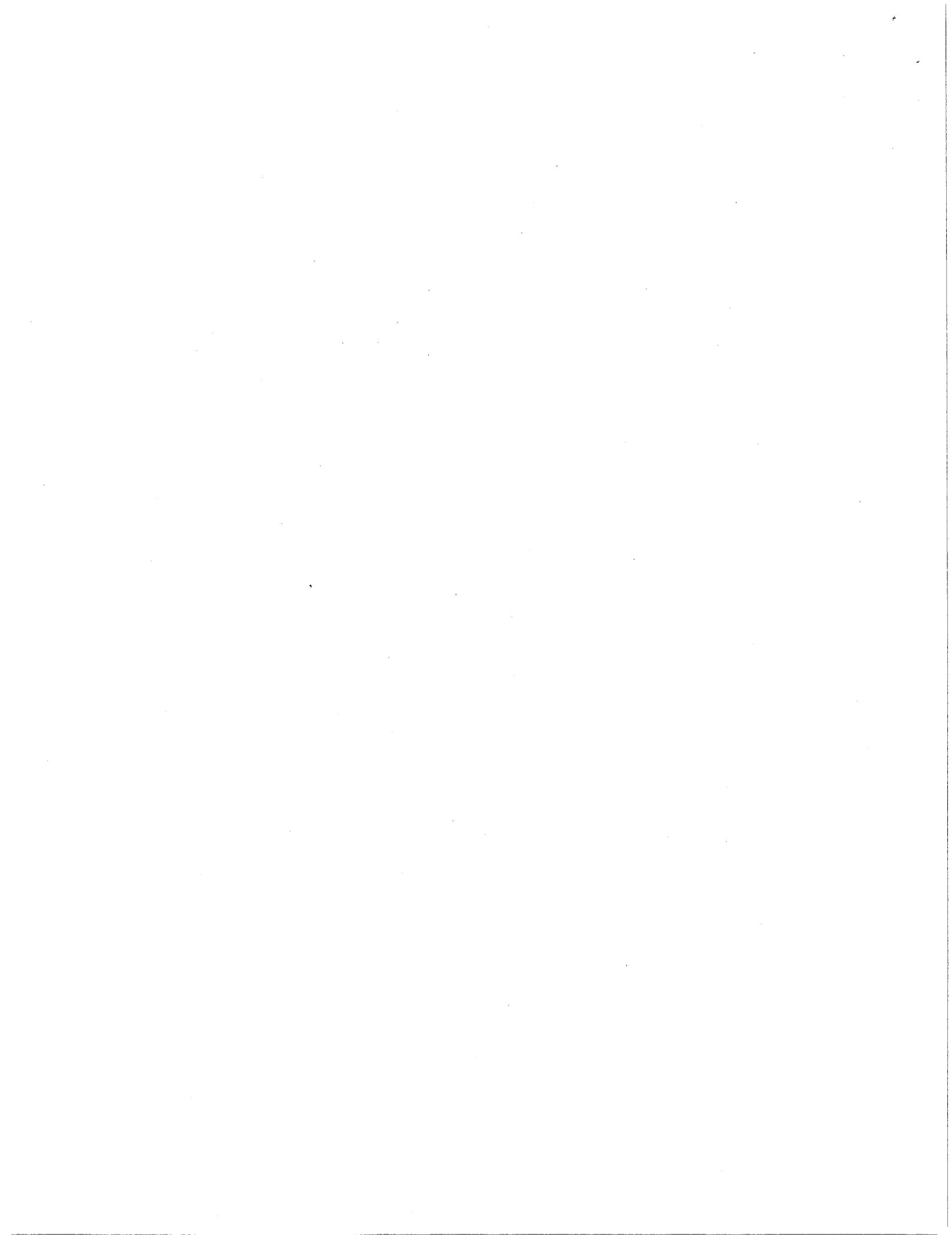
II. ALLEGATIONS

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

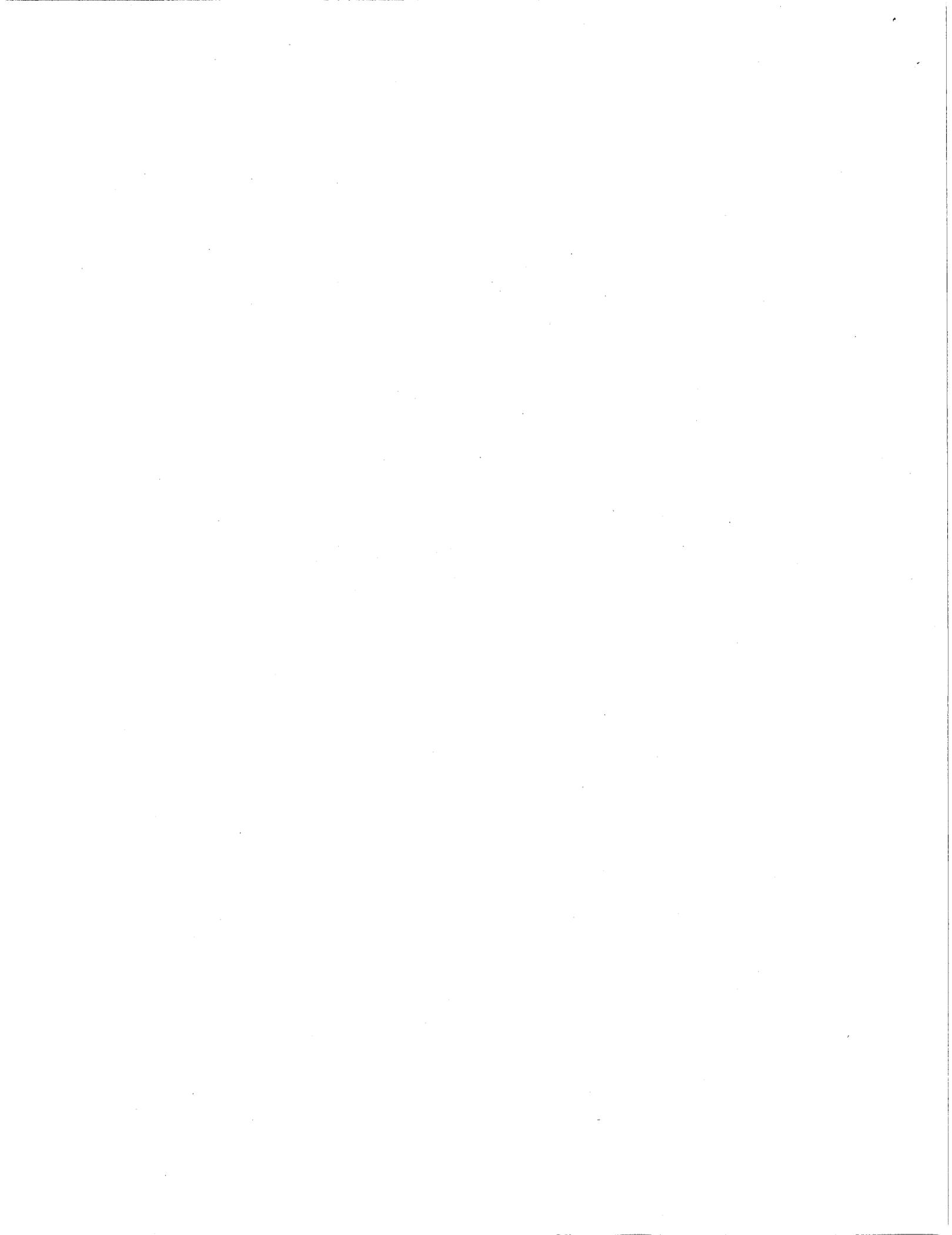
- 1. Failed to operate six cooling tower heat exchange system HRVOC analyzers for the minimum 95% of the required operating time from April 1, 2006 through January 31, 2007, in violation of 30 TEX. ADMIN. CODE §§ 115.764(a)(3) and (6), 122.143(4), Federal Operating Permit ("FOP") No. O-01372, Special Terms and Conditions ("SC") 1.H.(iv), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.



2. Failed to perform daily/zero span checks on the sulfur dioxide analyzer on the 435 Unit when Houston Refining ran out of calibration gas and the repair exceeded the maximum of five days from November 25, 2005 through December 2, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.13(d)(1), FOP No. O-01372, SC 12F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
3. Failed to demonstrate that flares were operated with a continuously operating pilot light, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.18(c)(2), New Source Review Permit ("NSRP") No. 2167, Special Condition ("SC") 29, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0005) on September 19, 2005; Plant Flare No. 3 (338K0007) on November 17, 2005, December 1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005.
4. Failed to cap 13 open-ended valves/lines with either a cap, plug, blind flange or other sealing device, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.352(4), 116.115(c), and 122.143(4), 40 CFR § 60.482-6(a)(1), NSRP No. 2167, SC 14E, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
5. Failed to perform monthly visual inspections on individual drain systems, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), 40 CFR § 60.692-2(a)(2), FOP No. O-01372, SC 1A and 13B, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, during September and October 2005, one and five drain inspections were missed, respectively.
6. Failed to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet ("16.0 gal/1,000 ft³"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSRP No. 2167, SC 44B, FOP No. O-01372, SC 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1,000 ft³, and the minimum pressure drop fell below 0.91 psi from May 25 through 27, 2006.
7. Failed to change out the carbon from a carbon canister immediately after breakthrough was discovered on November 21, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.354(d), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
8. Failed to operate a continuous run-time meter for the firewater pump at Dock A from July 1, 2005 through January 10, 2006, in violation of 30 TEX. ADMIN. CODE §§ 117.213(g)(1)(B)(ii)(I) and 122.143(4), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.

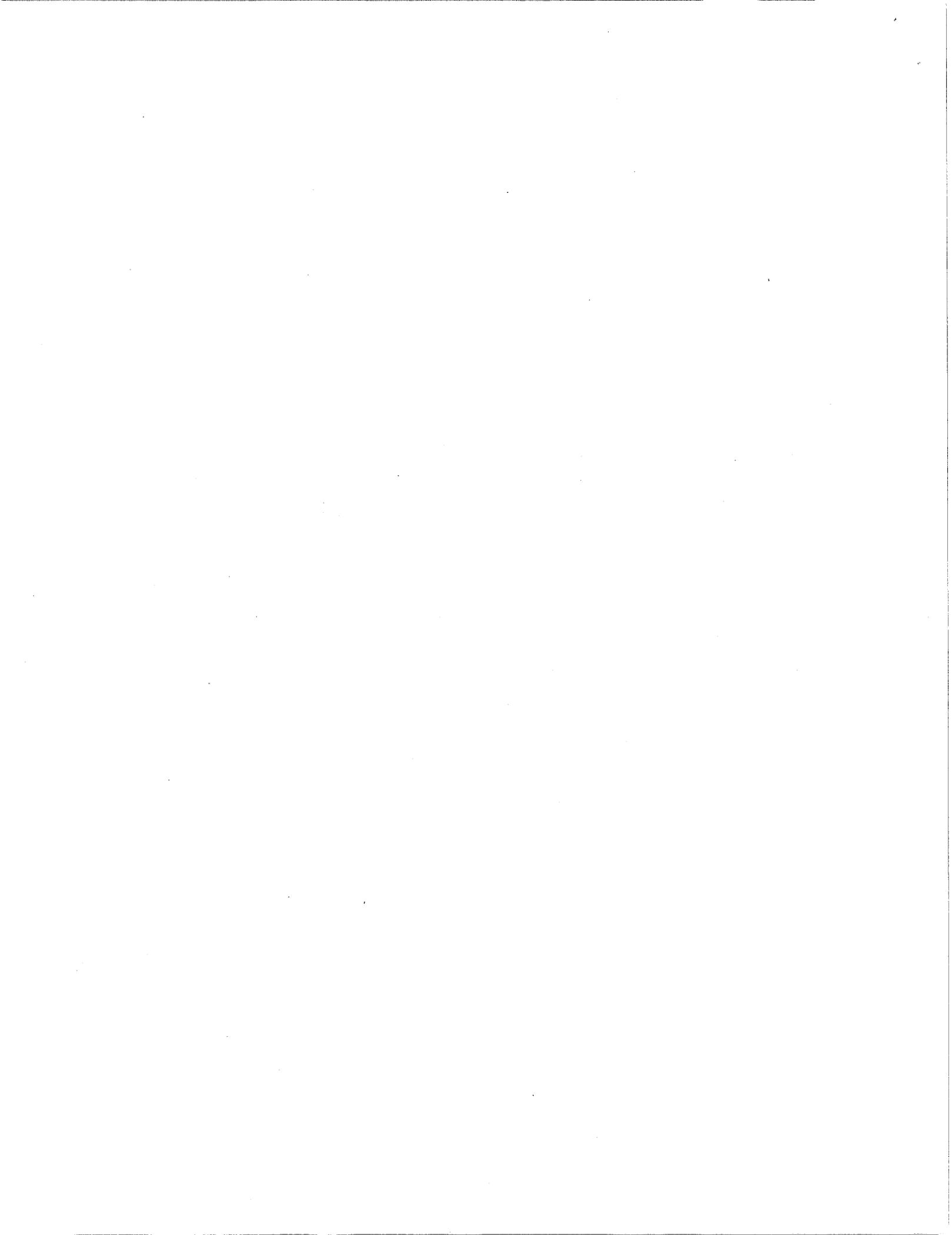


9. Failed to perform the required semi-annual seal inspection on volatile organic compound ("VOC") storage tanks, in violation of 30 TEX. ADMIN. CODE §§ 115.144(2)(C) and 122.143(4), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, Houston Refining failed to do semi-annual seal inspections on Tank No. 137TK0412 from June 8, 2005 to August 3, 2005 and 32TK0854 from December 6, 2004 to July 7, 2005.
10. Failed to perform the required seal gap inspection on Tank No. 137TK0890 within 60 days of tank refilling, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.113b(b)(1)(ii), NSRP No. 2167, SC 20D, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, the tank was put back into service on August 24, 2005 after being out of service more than two years for extensive repairs and a seal gap inspection was not conducted by October 23, 2005.
11. Failed to perform routine LDAR monitoring on the Tank 669 East transfer pump from July 1, 2005 through November 15, 2005 and on two pumps in the 734 Benzene Toluene Unit during the first and second quarters of 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.354(2)(B), and 122.143(4), 40 CFR § 63.163(b)(1), FOP No. O-01372, SC 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
12. Failed to repair eight individual component leaks found during AVO inspections within 15 calendar days from July 26, 2005 through December 31, 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), 40 CFR § 60.482-8(c), NSRP No. 2167, SC 14I and 15H, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
13. Failed to repair two leaking valves in Hazardous Organic National Emission Standards for Hazardous Air Pollutants ("HON") service within 15 calendar days, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.352(2), and 122.143(4), 40 CFR § 63.168(f)(1), NSRP No. 2167, SC 14I and 15H, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted October 3 through 12, 2006. Specifically, the valves were found leaking on August 11, 2005 and were repaired on September 12, 2005.
14. Failed to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.354(2)(C), 116.115(c), and 122.143(4), 40 CFR § 63.168(f)(1), NSRP No. 2167, SC 15F, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, Houston Refining failed to monitor 71 valves on the 135 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the Fluid Catalytic Cracking Unit ("FCCU"), and three valves in the 536, 537, and 736 Units from July 1, 2005 through December 31, 2005.
15. Failed to perform initial monitoring of approximately 651 connectors in HRVOC service, in violation of 30 TEX. ADMIN. CODE §§ 115.781(b)(3) and 122.143(4), FOP No. O-01372, SC 1.H(v), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation



conducted on October 3 through 12, 2006. Specifically, approximately 350 Black Lake Unit and Propane/Propylene Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 301 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006.

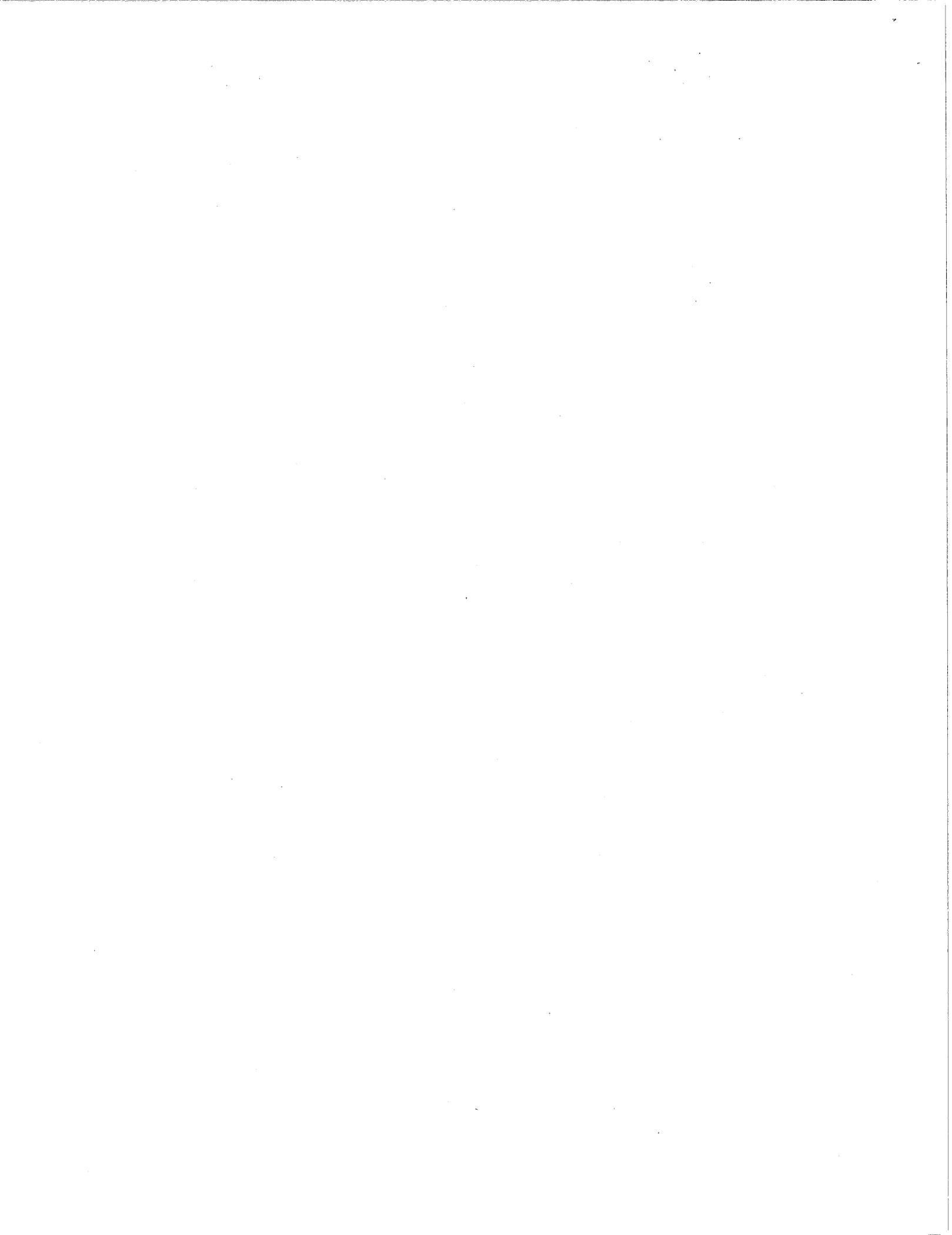
16. Failed to record all the required monitoring data for 236 HRVOC-service valves in July 2005 on the 736 Unit, in violation of 30 TEX. ADMIN. CODE §§ 115.781(g)(1) and 122.143(4), FOP No. O-01372, SC 1.H(v), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, due to data logger failure, the same date and time of monitoring was recorded for 236 valves instead of the exact date and time of the monitoring of each valve. Non-leaking valves were given the same default readings but leaking valves had the correct readings.
17. Failed to repair three valves and two connectors in HRVOC service within seven days, in violation of 30 TEX. ADMIN. CODE §§ 115.782(b)(1) and 122.143(4), FOP No. O-01372, SC 1.H(v), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006. Specifically, Houston Refining failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 938 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006.
18. Failed to monitor 406 valves on the Para-xylene Recovery Unit ("PRU"), including valves in HON service, during first quarter 2005, 551 HON-service valves on the PRU during the second quarter 2005, and 26 HON-service valves on the 934 Unit during the third quarter 2005, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.354(2)(C), 116.115(c), and 122.143(4), 40 CFR § 63.168(d)(2), NSRP No. 2167, SC 15F, FOP No. O-01372, SC 1A and 28, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
19. Failed to prevent visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 536 F-1B IDAP failed causing the heater oxygen to fall causing visible smoke from the heater stack, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B) and 122.143(4), FOP No. O-01372, SC 3(B)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
20. Failed to complete a written monitoring plan for continuous monitoring systems by December 31, 2005, in violation of 30 TEX. ADMIN. CODE §§ 115.725(a)(4) and 122.143(4), FOP No. O-01372, SC 1.H(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
21. Failed to test 32 HRVOC analyzers on 32 HRVOC-service heater stacks by January 30, 2006, in violation of 30 TEX. ADMIN. CODE §§ 115.725(a)(1)(B) and 122.143(4), FOP No. O-01372, SC 1.H(i) and (ii), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3 through 12, 2006.
22. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and NSRP No. 2167, SC No. 1, as documented during an investigation conducted on June 13, 2007. Specifically, Houston Refining released



2,781 pounds ("lbs") of nitrogen oxide ("NO_x") from the Fluid Catalytic Cracking Unit during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, Houston Refining failed to meet the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

23. Failed to properly report the amount of unauthorized NO_x emissions released as a result of the May 28, 2007 emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 13, 2007.
24. Failed to submit the initial notification for the May 28, 2007 emissions event in a timely manner, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 13, 2007. Specifically, the report, which was due May 29, 2007, was not submitted until May 31, 2007.
25. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSRP No. 2167, SC No. 1, as documented during an investigation conducted on October 25, 2007. Specifically, Houston Refining released 1,500 lbs of VOC, including 1,019 lbs of the HRVOC propylene from the Butane Recovery Unit during an emissions event that began October 9, 2007 and lasted two hours. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
26. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), NSRP No. 2167, SC No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 1, 2008. Specifically, during a March 19, 2008 emissions event the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 lbs of sulfur dioxide, 1,902 lbs of VOC, 1,079 lbs of carbon monoxide, 154 lbs of NO_x, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met.
27. Failed to comply with the permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000392000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Nos. 1 and 2 for Outfall 002A, and No. 1 for Outfall 003A, as documented during a record review conducted on March 24, 2007, as indicated in the table below.

Effluent Violation Table								
Permitted Effluent Limits Outfall	Monitoring Period End Date		Permitted Effluent Limits Outfall	Monitoring Period End Date		Permitted Effluent Limits Outfall	Monitoring Period End Date	
	06/30/2006	10/31/2006		06/30/2006	07/31/2006		10/31/2006	
001A			002A			003A		
TSS Daily Max. 34 mg/l	74	71	TSS Daily Max. 33 mg/l	290		TSS Daily Max. 34 mg/l	61	36
Oil and Grease 15	58	33				pH Max. 9.0 Su	9.3	C



mg/l							
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TSS = Total Suspended Solids	Max. = Maximum
Su= Standard Unit	mg/l = Milligrams per liter
C= compliant	

III. DENIALS

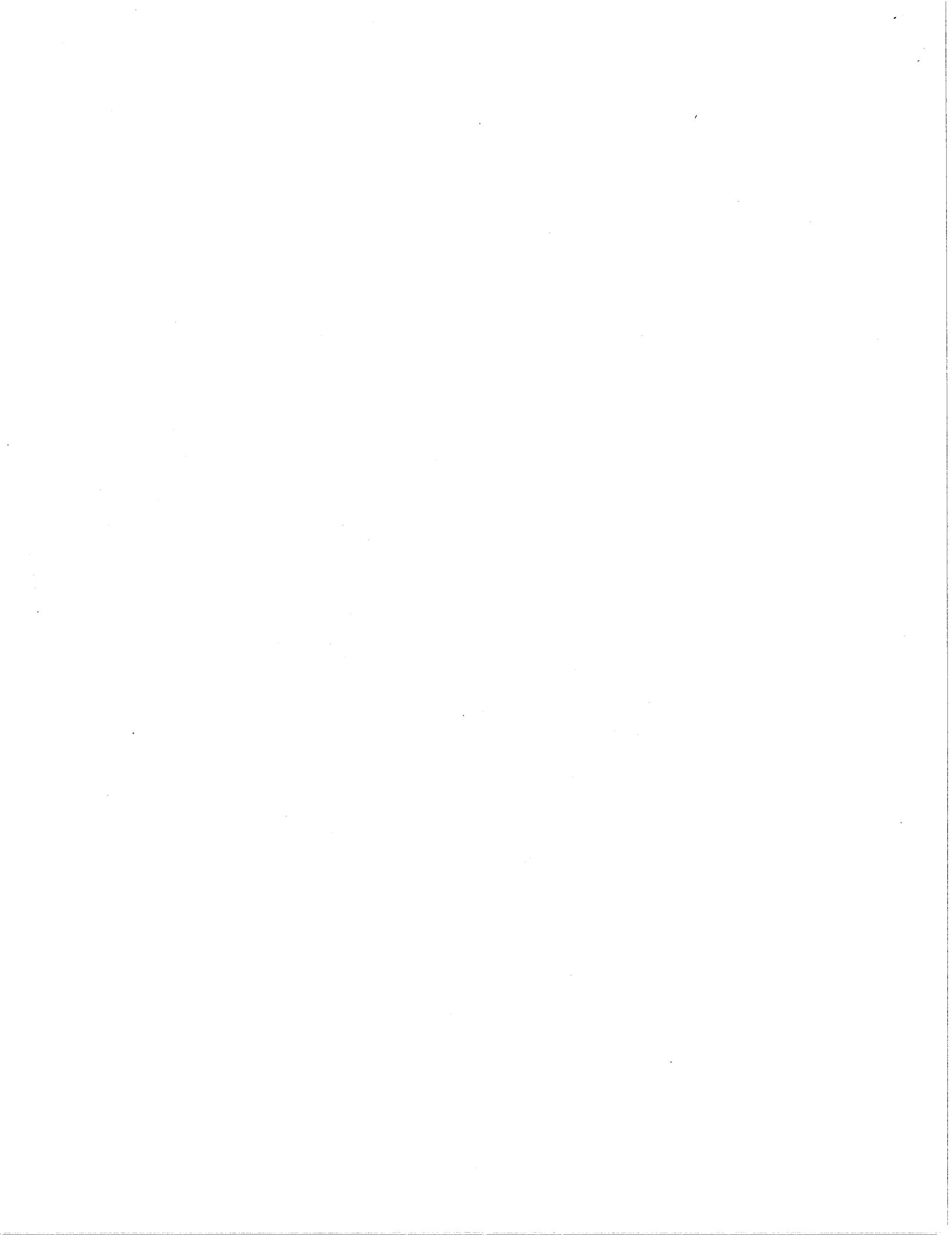
Houston Refining generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Houston Refining pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and Houston Refining's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Refining LP, Docket No. 2008-0674-MLM-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. Houston Refining shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 7 above, One Hundred Ninety-Two Thousand Four Hundred Forty-Two Dollars (\$192,442) of the assessed administrative penalty shall be offset with the condition that Houston Refining implement the SEPs defined in Attachments A and B, incorporated herein by reference. Houston Refining's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEPs agreements.
3. It is further ordered that Houston Refining shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to ensure the proper reporting of the quantity of unauthorized emissions released during emissions events;
 - ii. Submit a revised final report, listing accurate unauthorized emission quantities, for the May 28, 2007 emissions event;
 - iii. Implement measures designed to ensure the proper reporting of emissions events within 24 hours of discovery; and



- iv. Implement measures designed to prevent the reoccurrence of emissions due to the same causes as that of the October 9, 2007 and March 19, 2008 emissions events.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a.i-iv. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

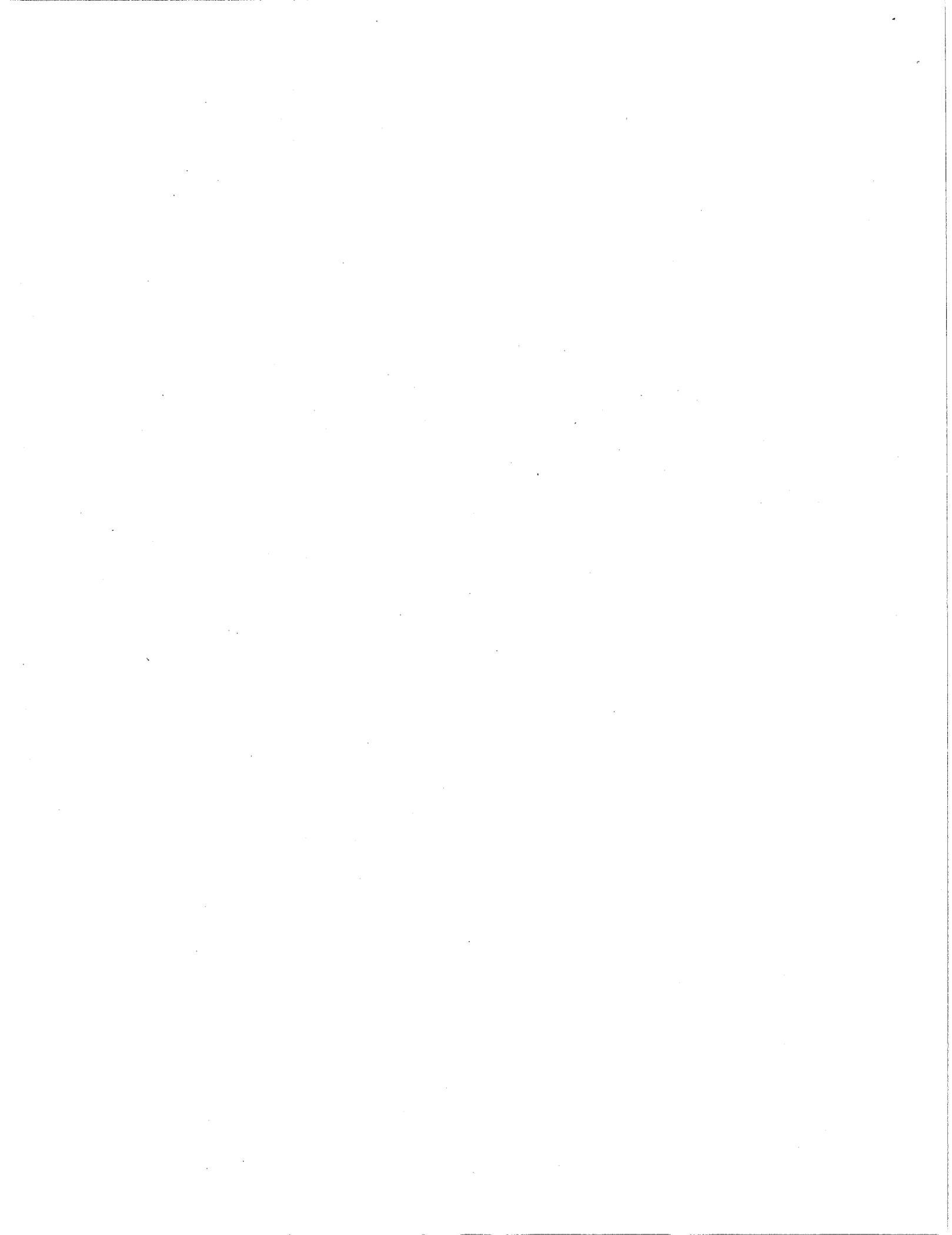
The certification shall be submitted to:

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

with a copy to:

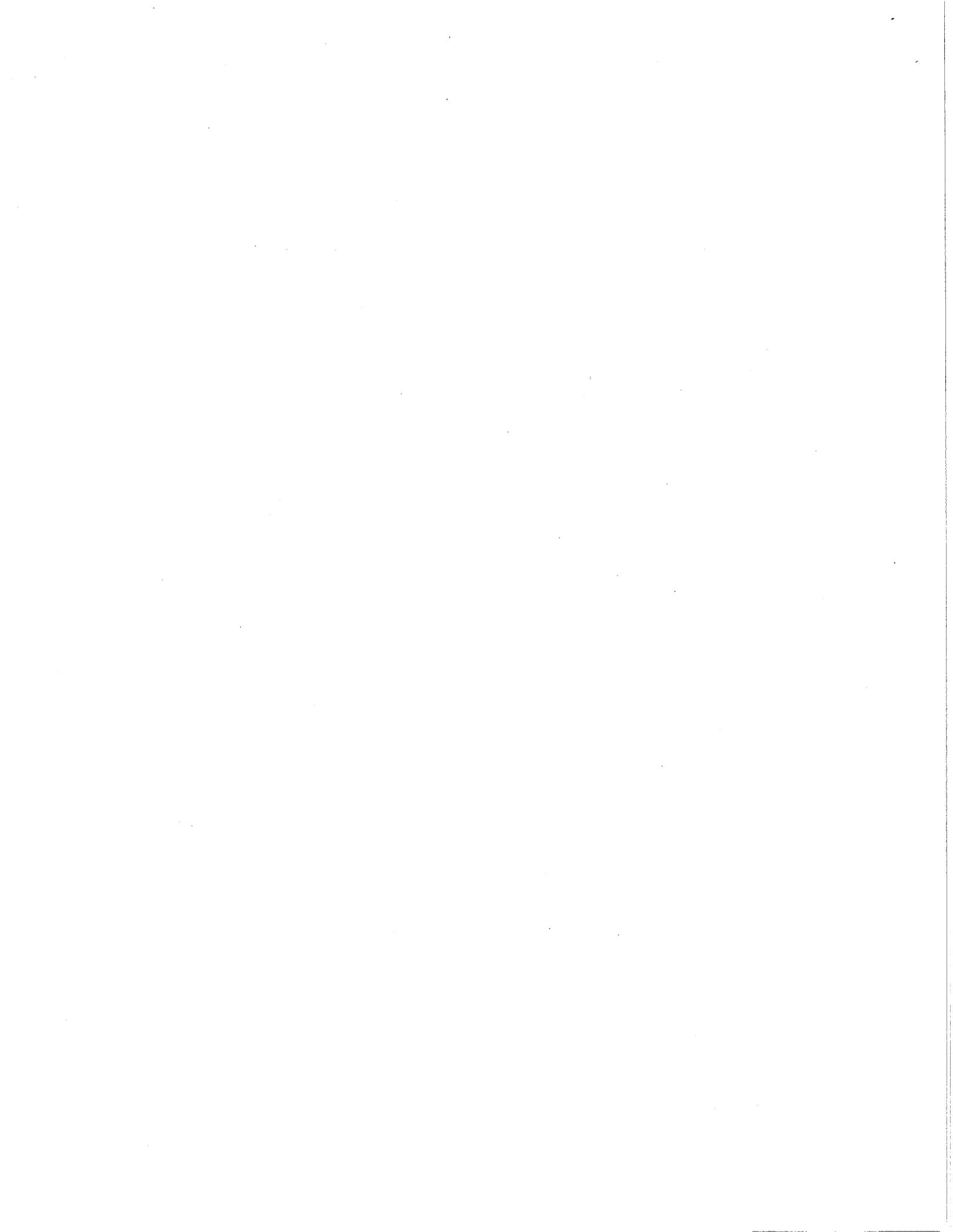
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- c. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0000392000. The certification shall be as described in Ordering Provision No. 3.b. except a copy will go to the "Water Section, Manager" instead of "Air Section, Manager."
- 4. The provisions of this Agreed Order shall apply to and be binding upon Houston Refining. Houston Refining is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If Houston Refining 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, Houston Refining's failure to comply is not a violation of this Agreed Order. Houston Refining shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Houston Refining shall notify the Executive Director



within seven days after Houston Refining becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Houston Refining shall be made in writing to the Executive Director. Extensions are not effective until Houston Refining receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Houston Refining in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Houston Refining, or three days after the date on which the Commission mails notice of the Order to Houston Refining, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

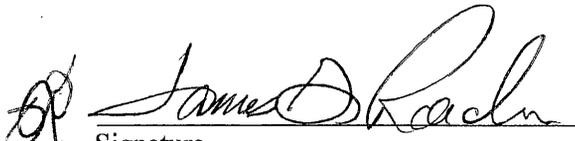
9/17/2008
Date

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

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

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

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



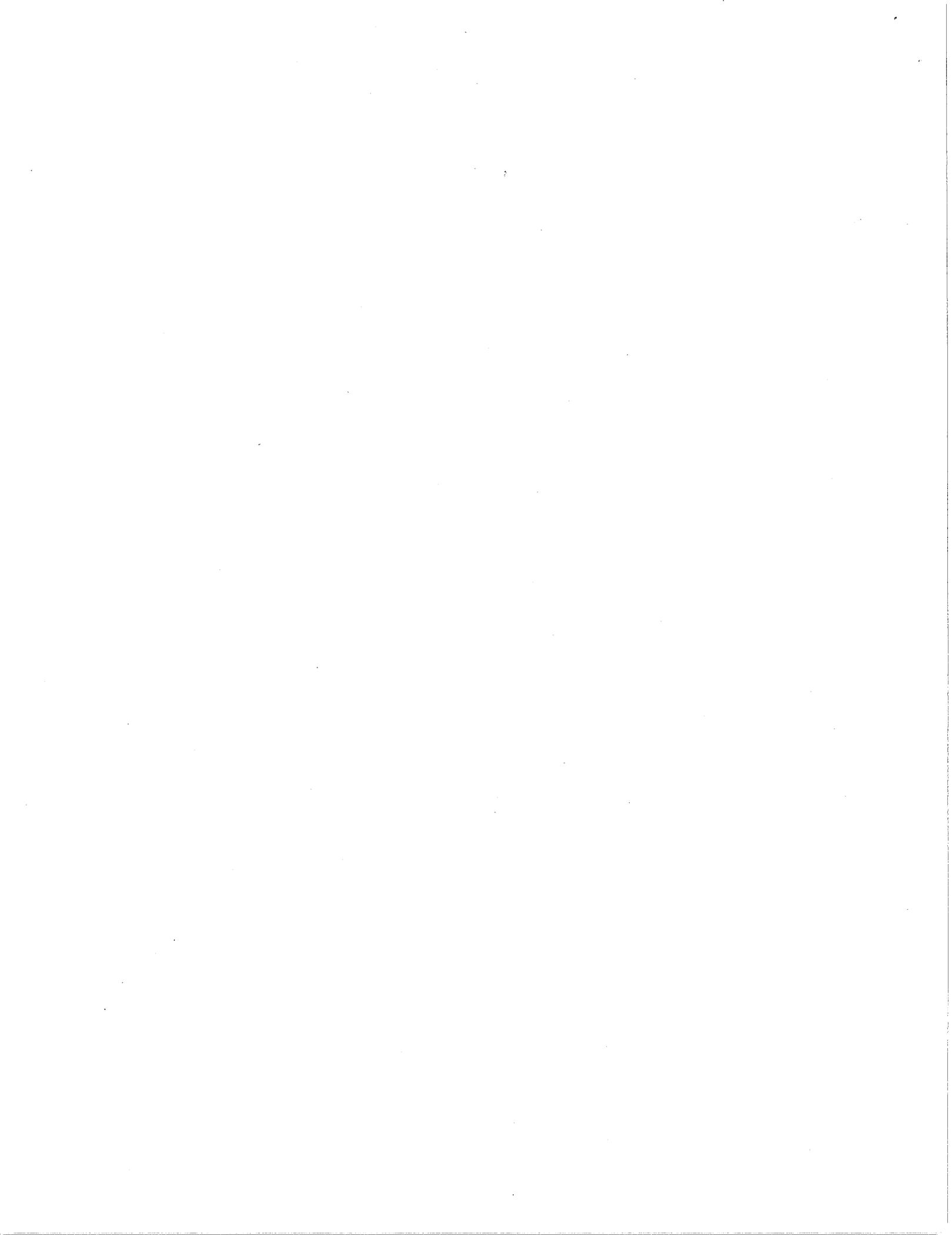
Signature

June 30, 2008
Date

James B. Roecker
Name (Printed or typed)
Authorized Representative of
Houston Refining LP

Divisional Vice President
Title

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



Attachment A
Docket Number: 2008-0674-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Houston Refining LP

Payable Penalty Amount: Three Hundred Eighty-Four Thousand Eight Hundred Eighty-Four Dollars (\$384,884)

SEP Amount: Ninety-Six Thousand Two Hundred Twenty-One Dollars (\$96,221)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Location of SEP: Harris County

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

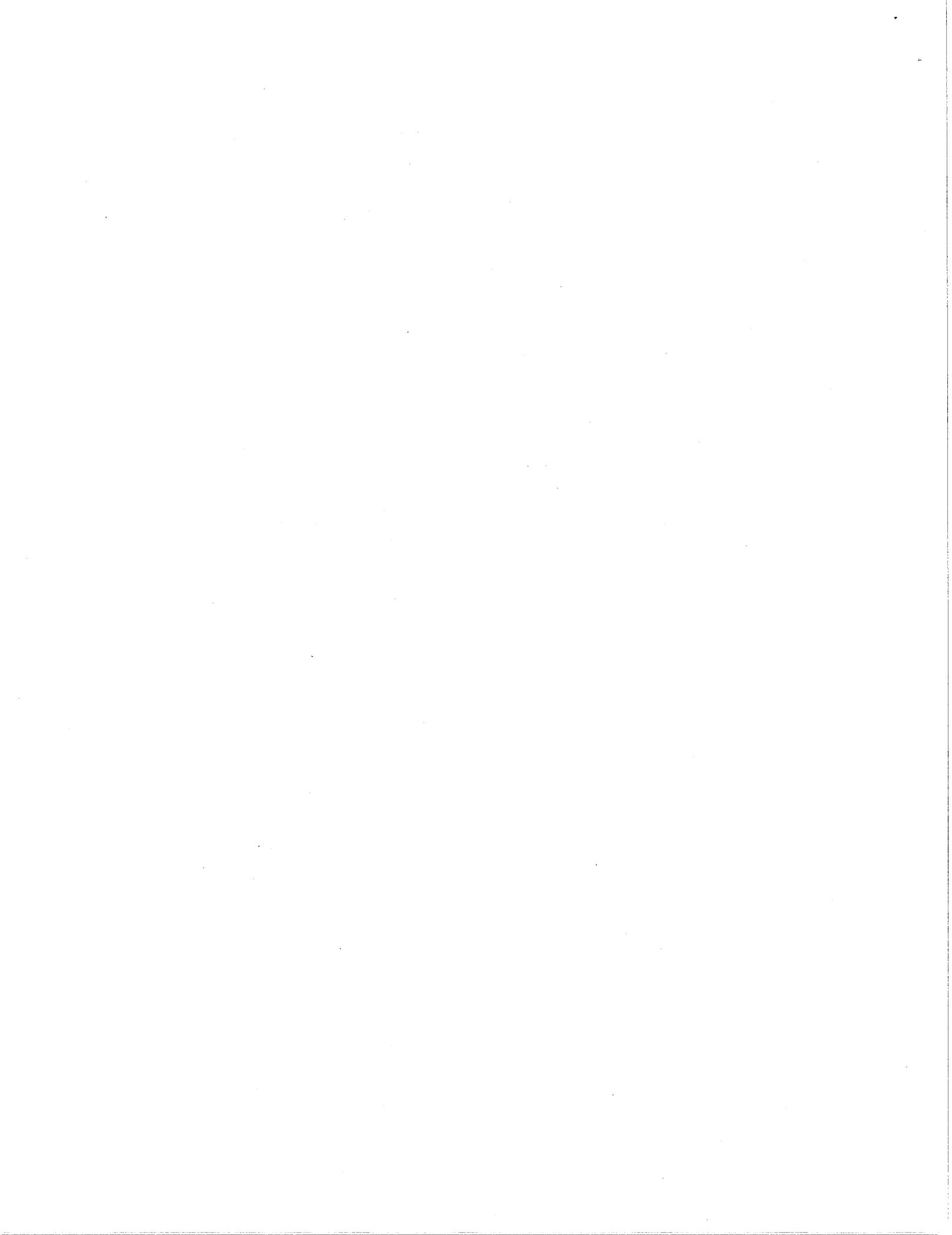
1. Project Description

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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



B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

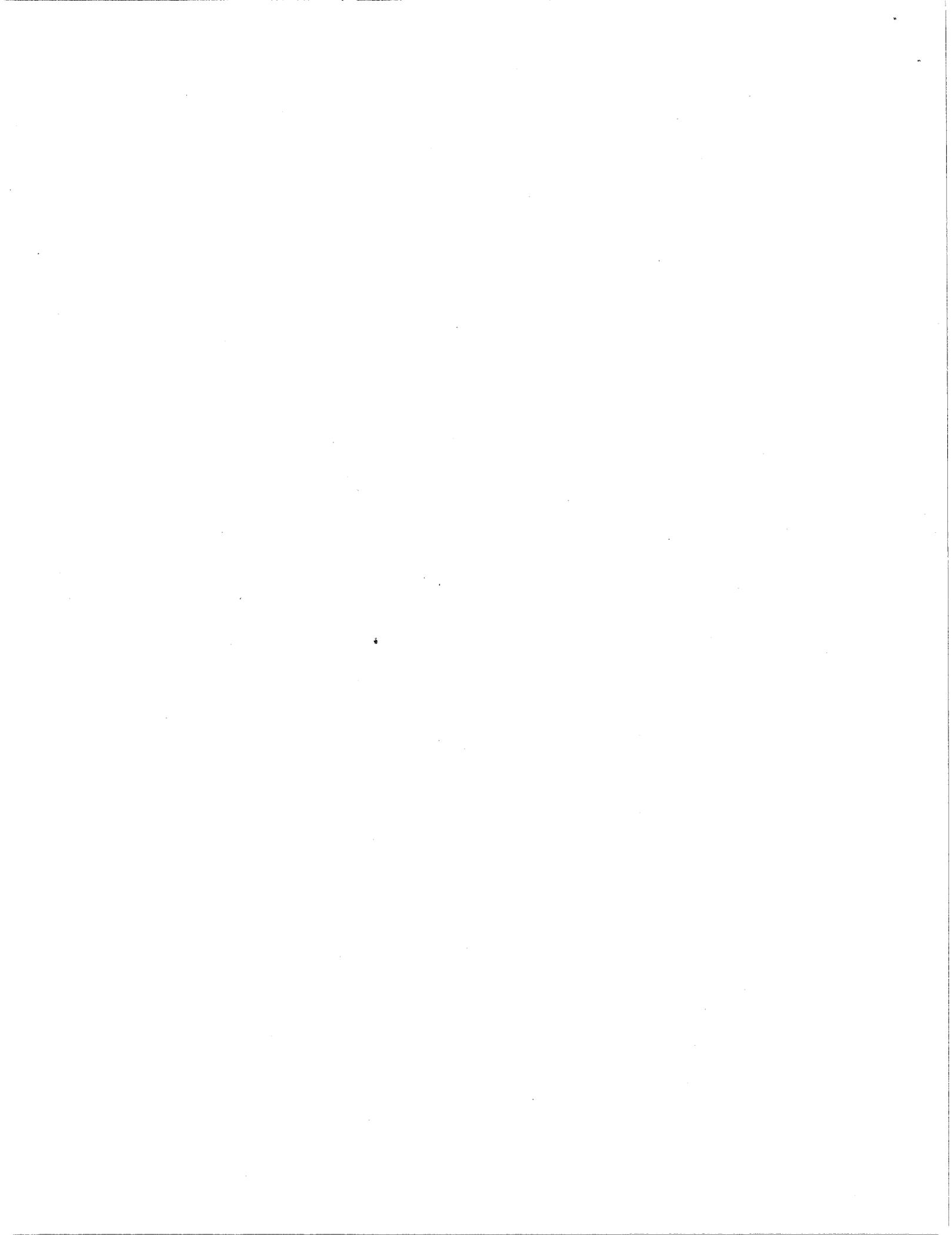
Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

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

Texas Commission on Environmental Quality



Houston Refining LP
Agreed Order – Attachment A

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

