EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1335-AIR-E **TCEQ ID:** RN100209451 **CASE NO.:** 34450

RESPONDENT NAME: Motiva Enterprises LLC

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Port Arthur Refinery, 2555 Savannah Avenue, Port Arthur, Jefferson County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ____ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are three pending enforcement actions regarding this facility location, Docket Nos. 2005-2011-AIR-E, 2006-1513-AIR-E, and 2007-1497-AIR-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 28, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Todd Monette, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, TX 77641
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 12, 2007 **Date of NOV/NOE Relating to this Case:** July 31, 2007 (NOE) **Background Facts:** This was a routine investigation. **AIR** 1) Failure to comply with permitted emissions limits. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and on April 8, 2007, the Sulfur Complex Emergency Flare (EPN EARU1&2) emitted 14,519 lbs of sulfur dioxide, 77.9 lbs of hydrogen sulfide, 2.2 lbs of carbon monoxide, and 0.3 lbs of nitrogen oxides, over a 36 minute period. Because these emissions could have been foreseen and avoided by better operation and design practices, they do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), New Source Review Flexible Air Permit No. 8404/PSD-TX-1062, Special Condition Nos. 1 and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to comply with opacity limits. Specifically, opacity is limited to 30%, averaged over a six minute period, but on April 6, 2007, the CO Boiler/Scrubber Stack Bypass ("EPN SFCCU3-2") in the Fluid Catalytic Cracking Unit exceeded that limit four times, and by as much as 62%. On April 11, 2007, EPN SFCCU3-2 experienced three additional opacity exceedances, one by as much as 73%. Because the Respondent could have	**Total Assessed:** $24,700 **Total Deferred:** $4,940 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $9,880 **Total Paid to General Revenue:** $9,880 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. By August 22, 2007, in response to the emissions event that occurred on April 8, 2007, completed the following actions: i. Reviewed start up and shut down procedures; ii. Modified the acid gas reduction procedure; iii. Created a document to stress the importance of knowing what to do if experiencing an emergency shutdown; iv. Met with personnel to discuss the importance of increasing the frequency of drills with both field and console operators to increase preparedness for emergency situations; and v. Scheduled the installation of a reliable form of condensate backflow prevention for completion prior to November 30, 2007. b. By May 1, 2007, in response to the opacity exceedance that occurred on April 6, 2007, revised and implemented a new procedure that includes verification of the condition of the torch oil regulator and bypass; c. By July 9, 2007, in response to the opacity exceedance that occurred on April 11, 2007, completed the following actions: i. Trained Operations personnel on the emergency steam controller; ii. Reviewed Instrument Protection Function changes from 2006 and identified any potential misunderstandings and clarified the changes with Operations personnel through documentation and classroom training; iii. Added an item to the Turnaround Work Letter and Threats Database to inspect,

foreseen and avoided these exceedances, they do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 111.111(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].		test, and mitigate problems with the lift air blower check valve, including air assist; iv. Inspected and tested the lift air blower discharge valve; and v. Checked the steam traps on the emergency steam to the C4 line. **Ordering Provisions:** 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See Attachment A) 2. The Order will also require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, complete improvements to designs, operations, and/or maintenance practices that address the causes leading to the emissions event that occurred on April 8, 2007, and to prevent the reoccurrence of same or similar incidents; and b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a.

Additional ID No(s).: JE0095D

Attachment A
Docket Number: 2007-1335-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises LLC**
Payable Penalty Amount:	**Nineteen Thousand Seven Hundred Sixty Dollars ($19,760)**
SEP Amount:	**Nine Thousand Eight Hundred Eighty Dollars ($9,880)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses**
Location of SEP:	**Jefferson County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

DATES					
Assigned	6-Aug-2007				
PCW	17-Oct-2007	Screening	16-Aug-2007	EPA Due	9-Jun-2008

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	34450	No. of Violations	2
Docket No.	2007-1335-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 194% Enhancement — *Subtotals 2, 3, & 7* $19,400

Notes: The penalty was enhanced by four same or similar NOVs, 13 dissimilar NOVs, two 1660-style agreed orders, and five findings orders, and was reduced by two NOAs, an environmental management system, and a voluntary pollution reduction program.

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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Total EB Amounts	$1,467
Approx. Cost of Compliance	$25,000

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $29,400

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

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

Notes:

Final Penalty Amount $29,400

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $24,700

DEFERRAL — 20% Reduction — *Adjustment* -$4,940

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $19,760

Screening Date 16-Aug-2007 **Docket No.** 2007-1335-AIR-E **PCW**

Respondent Motiva Enterprises LLC *Policy Revision 2 (September 2002)*

Case ID No. 34450 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Terry Murphy

Compliance History Worksheet

>> **Compliance History *Site* Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	4	20%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	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*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 194%

>> **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 by four same or similar NOVs, 13 dissimilar NOVs, two 1660-style agreed orders, and five findings orders, and was reduced by two NOAs, an environmental management system, and a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 194%

Screening Date 16-Aug-2007 **Docket No.** 2007-1335-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent Motiva Enterprises LLC

Case ID No. 34450

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), New Source Review Flexible Air Permit No. 8404/PSD-TX-1062, Special Condition Nos. 1 and 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with permitted emissions limits, as documented during an investigation conducted on June 12, 2007. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds (lbs) per hour, and on April 8, 2007, the Sulfur Complex Emergency Flare (EPN EARU1&2) emitted 14,519 lbs of sulfur dioxide, 77.9 lbs of hydrogen sulfide, 2.2 lbs of carbon monoxide, and 0.3 lbs of nitrogen oxides, over a 36 minute period. Because these emissions could have been foreseen and avoided by better operation and design practices, they do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

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 were exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,377

Statutory Limit Test

Violation Final Penalty Total $14,700

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

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 34450
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$20,000	8-Apr-2007	1-Apr-2008	1.0	$66	$1,311	$1,377
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated costs for additional training, operational changes, and/or equipment design modifications. The Date Required is the date of the emissions event, and the Final Date is the date the Respondent is expected to have completed all corrective actions.

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 $20,000

TOTAL $1,377

Screening Date 16-Aug-2007 **Docket No.** 2007-1335-AIR-E **PCW**

Respondent Motiva Enterprises LLC *Policy Revision 2 (September 2002)*

Case ID No. 34450 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 111.111(a)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with opacity limits, as documented during an investigation conducted on June 12, 2007. Specifically, opacity is limited to 30%, averaged over a six minute period, but on April 6, 2007, the CO Boiler/Scrubber Stack Bypass (EPN SFCCU3-2) in the Fluid Catalytic Cracking Unit exceeded that limit four times, and by as much as 62%. On April 11, 2007, EPN SFCCU3-2 experienced three additional opacity exceedances, one by as much as 73%. Because the Respondent could have foreseen and avoided these exceedances, they do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

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 were exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2 — 2 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

Estimated EB Amount $90

Statutory Limit Test

Violation Final Penalty Total $14,700

This violation Final Assessed Penalty (adjusted for limits) $14,700

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 34450
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$5,000	6-Apr-2007	9-Jul-2007	0.3	$4	$86	$90
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated costs for additional training and operational changes. The Date Required is the date of the first excess opacity event, and the Final Date is the date the Respondent completed all corrective actions.

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: $90

Compliance History

Customer/Respondent/Owner-Operator:	CN600124051	Motiva Enterprises LLC	Classification: AVERAGE	Rating: 1.26
Regulated Entity:	RN100209451	PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 15.03

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0095D
AIR OPERATING PERMITS	PERMIT	1386
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008097529
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30121
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50188
WASTEWATER	PERMIT	WQ0000414000
WASTEWATER	PERMIT	TX0005835
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230079
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0095D
AIR NEW SOURCE PERMITS	PERMIT	11297
AIR NEW SOURCE PERMITS	PERMIT	11762
AIR NEW SOURCE PERMITS	PERMIT	11777
AIR NEW SOURCE PERMITS	PERMIT	11895
AIR NEW SOURCE PERMITS	PERMIT	12059
AIR NEW SOURCE PERMITS	PERMIT	12117
AIR NEW SOURCE PERMITS	PERMIT	12482
AIR NEW SOURCE PERMITS	PERMIT	13313
AIR NEW SOURCE PERMITS	PERMIT	13358
AIR NEW SOURCE PERMITS	PERMIT	13534
AIR NEW SOURCE PERMITS	PERMIT	13693
AIR NEW SOURCE PERMITS	PERMIT	14363
AIR NEW SOURCE PERMITS	PERMIT	14273
AIR NEW SOURCE PERMITS	PERMIT	14493
AIR NEW SOURCE PERMITS	PERMIT	15403
AIR NEW SOURCE PERMITS	PERMIT	15717
AIR NEW SOURCE PERMITS	PERMIT	16025
AIR NEW SOURCE PERMITS	PERMIT	16221
AIR NEW SOURCE PERMITS	PERMIT	17522
AIR NEW SOURCE PERMITS	PERMIT	54322
AIR NEW SOURCE PERMITS	REGISTRATION	75653
AIR NEW SOURCE PERMITS	REGISTRATION	55797
AIR NEW SOURCE PERMITS	PERMIT	56287
AIR NEW SOURCE PERMITS	PERMIT	52429
AIR NEW SOURCE PERMITS	PERMIT	52468
AIR NEW SOURCE PERMITS	REGISTRATION	75103
AIR NEW SOURCE PERMITS	REGISTRATION	77320
AIR NEW SOURCE PERMITS	REGISTRATION	77681
AIR NEW SOURCE PERMITS	REGISTRATION	77244
AIR NEW SOURCE PERMITS	REGISTRATION	77922
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062
AIR NEW SOURCE PERMITS	PERMIT	78358
AIR NEW SOURCE PERMITS	REGISTRATION	26297
AIR NEW SOURCE PERMITS	REGISTRATION	78595
AIR NEW SOURCE PERMITS	PERMIT	48503
AIR NEW SOURCE PERMITS	PERMIT	48504
AIR NEW SOURCE PERMITS	PERMIT	48505
AIR NEW SOURCE PERMITS	PERMIT	48506
AIR NEW SOURCE PERMITS	PERMIT	49372
AIR NEW SOURCE PERMITS	PERMIT	49332
AIR NEW SOURCE PERMITS	PERMIT	49333
AIR NEW SOURCE PERMITS	PERMIT	49480
AIR NEW SOURCE PERMITS	PERMIT	49477
AIR NEW SOURCE PERMITS	PERMIT	49478
AIR NEW SOURCE PERMITS	PERMIT	49912
AIR NEW SOURCE PERMITS	PERMIT	50157
AIR NEW SOURCE PERMITS	PERMIT	50158
AIR NEW SOURCE PERMITS	PERMIT	50299
AIR NEW SOURCE PERMITS	PERMIT	791
AIR NEW SOURCE PERMITS	PERMIT	2196
AIR NEW SOURCE PERMITS	PERMIT	3415
AIR NEW SOURCE PERMITS	PERMIT	6056
AIR NEW SOURCE PERMITS	PERMIT	7160
AIR NEW SOURCE PERMITS	PERMIT	7304
AIR NEW SOURCE PERMITS	PERMIT	8210

AIR NEW SOURCE PERMITS	PERMIT	8404
AIR NEW SOURCE PERMITS	PERMIT	9244
AIR NEW SOURCE PERMITS	PERMIT	19672
AIR NEW SOURCE PERMITS	PERMIT	21100
AIR NEW SOURCE PERMITS	PERMIT	21099
AIR NEW SOURCE PERMITS	PERMIT	22061
AIR NEW SOURCE PERMITS	PERMIT	22069
AIR NEW SOURCE PERMITS	PERMIT	23689
AIR NEW SOURCE PERMITS	PERMIT	23943
AIR NEW SOURCE PERMITS	PERMIT	23690
AIR NEW SOURCE PERMITS	PERMIT	24148
AIR NEW SOURCE PERMITS	PERMIT	24417
AIR NEW SOURCE PERMITS	PERMIT	24081
AIR NEW SOURCE PERMITS	PERMIT	24307
AIR NEW SOURCE PERMITS	PERMIT	29244
AIR NEW SOURCE PERMITS	PERMIT	32236
AIR NEW SOURCE PERMITS	PERMIT	31590
AIR NEW SOURCE PERMITS	PERMIT	32853
AIR NEW SOURCE PERMITS	PERMIT	34264
AIR NEW SOURCE PERMITS	PERMIT	34500
AIR NEW SOURCE PERMITS	PERMIT	37624
AIR NEW SOURCE PERMITS	PERMIT	38931
AIR NEW SOURCE PERMITS	PERMIT	39659
AIR NEW SOURCE PERMITS	PERMIT	40494
AIR NEW SOURCE PERMITS	PERMIT	40950
AIR NEW SOURCE PERMITS	PERMIT	41443
AIR NEW SOURCE PERMITS	PERMIT	41820
AIR NEW SOURCE PERMITS	PERMIT	44322
AIR NEW SOURCE PERMITS	PERMIT	44565
AIR NEW SOURCE PERMITS	PERMIT	44691
AIR NEW SOURCE PERMITS	PERMIT	45561
AIR NEW SOURCE PERMITS	PERMIT	45560
AIR NEW SOURCE PERMITS	PERMIT	45545
AIR NEW SOURCE PERMITS	PERMIT	45938
AIR NEW SOURCE PERMITS	PERMIT	45937
AIR NEW SOURCE PERMITS	PERMIT	45936
AIR NEW SOURCE PERMITS	PERMIT	45935
AIR NEW SOURCE PERMITS	PERMIT	45934
AIR NEW SOURCE PERMITS	PERMIT	46015
AIR NEW SOURCE PERMITS	PERMIT	46079
AIR NEW SOURCE PERMITS	PERMIT	46331
AIR NEW SOURCE PERMITS	PERMIT	46330
AIR NEW SOURCE PERMITS	PERMIT	46326
AIR NEW SOURCE PERMITS	PERMIT	46589
AIR NEW SOURCE PERMITS	PERMIT	46958
AIR NEW SOURCE PERMITS	PERMIT	47149
AIR NEW SOURCE PERMITS	PERMIT	47637
AIR NEW SOURCE PERMITS	PERMIT	48153
AIR NEW SOURCE PERMITS	PERMIT	51922
AIR NEW SOURCE PERMITS	AFS NUM	4824500020
AIR NEW SOURCE PERMITS	REGISTRATION	79194
AIR NEW SOURCE PERMITS	REGISTRATION	79866
AIR NEW SOURCE PERMITS	PERMIT	79866L
AIR NEW SOURCE PERMITS	REGISTRATION	81045
AIR NEW SOURCE PERMITS	REGISTRATION	81547
AIR NEW SOURCE PERMITS	REGISTRATION	82078
AIR NEW SOURCE PERMITS	REGISTRATION	82052
AIR NEW SOURCE PERMITS	REGISTRATION	82087
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50188
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121

Location: 2555 SAVANNAH AVE, PORT ARTHUR, TX, 77640

Rating Date: September 01 06
Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 16, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 16, 2002 to August 16, 2007

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

Name: Terry Murphy Phone: (512) 239-5025

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

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: 05/24/2003 ADMINORDER 2002-0892-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC10E, 1-2, PERMIT
SC10E, 14 PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.354(2)[G]
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 10E, 1-2 PERMIT
SC 10E, 14 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC 10H PERMIT

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

Classification: Minor

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

Rqmt Prov: SC 1-2 PERMIT
SC 14 PERMIT

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

Effective Date: 01/08/2004 ADMINORDER 2002-1272-AIR-E

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with PM10 and NOx emission limits.

Classification: Moderate

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

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

Rqmt Prov: SC9 PERMIT
Description: Failure to comply with PM10, SO2 and NOx emission limits.
Classification: Moderate

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

Description: Failure to notify regional office no later than 24 hrs after the discovery of an excess opacity event that occurred on 10/10/02.

Classification: Moderate

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

Description: Failure to comply with the opacity limit of 30% averaged over 6 min period on 10/10/02.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent the discharge of air contaminant with such concentration and duration as to create a nuisance condition in the Port Arthur area during an emissions event.

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

Classification: Moderate

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

Rqmt Prov: 8404 Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

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

Effective Date: 03/21/2005 ADMINORDER 2004-0898-AIR-E

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 8404, SC 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 04/29/2005 ADMINORDER 2003-1186-AIR-E

Classification: Moderate

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

Rqmt Prov: SC 9 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Moderate

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

Description: Failed to include the compound descriptive type and estimated total quantities of all air contaminants in the final report for an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 9 PERMIT
Description: Failed to prevent unauthorized emissions which created a nuisance condition.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.7(a)

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.201(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter A 101.6(b)(4)
30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Classification: Moderate

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

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

Effective Date: 11/06/2005 ADMINORDER 2005-0347-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Permit 8404, SC No. 9 PERMIT
Description: Failure to maintain an emission below the allowable emission limit.

Classification: Moderate

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

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

Effective Date: 12/15/2005 ADMINORDER 2004-2026-AIR-E

Classification: Moderate

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

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

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

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	08/16/2002	(158323)	77	04/07/2004	(264562)	155	11/09/2005	(436494)
2	08/26/2002	(6828)	78	04/08/2004	(264185)	156	11/18/2005	(468423)
			79	04/08/2004	(264558)	157	12/02/2005	(418595)
3	08/27/2002	(5075)	80	04/08/2004	(264559)	158	12/02/2005	(435832)
4	09/20/2002	(158326)	81	04/08/2004	(264246)	159	12/06/2005	(436191)
5	10/21/2002	(158329)	82	04/08/2004	(264233)	160	12/27/2005	(468424)
6	10/29/2002	(12379)	83	04/08/2004	(264250)	161	01/09/2006	(438168)
7	10/29/2002	(12376)	84	04/08/2004	(264242)	162	01/09/2006	(438169)
8	11/05/2002	(15578)	85	04/23/2004	(295433)	163	01/09/2006	(438170)
9	11/05/2002	(15592)	86	05/05/2004	(270556)	164	01/09/2006	(438171)
10	11/05/2002	(15599)	87	05/19/2004	(295436)	165	01/09/2006	(438173)
11	11/05/2002	(15594)	88	05/25/2004	(267857)	166	01/09/2006	(438174)
12	11/05/2002	(15561)	89	05/25/2004	(267858)	167	01/09/2006	(438165)
13	11/05/2002	(15959)	90	05/25/2004	(267860)	168	01/09/2006	(438161)
14	11/07/2002	(16202)	91	05/27/2004	(268908)	169	01/09/2006	(438167)
15	11/22/2002	(158333)	92	06/21/2004	(264256)	170	01/09/2006	(438163)
16	12/18/2002	(19046)	93	06/28/2004	(295438)	171	01/12/2006	(437664)
17	12/23/2002	(158337)	94	07/07/2004	(272293)	172	01/24/2006	(439307)
18	01/03/2003	(19049)	95	07/22/2004	(295441)	173	01/24/2006	(439304)
19	01/03/2003	(19048)	96	08/24/2004	(352156)	174	01/24/2006	(439306)
20	01/03/2003	(19047)	97	08/31/2004	(253278)	175	01/24/2006	(439308)
21	01/06/2003	(19050)	98	09/20/2004	(352157)	176	01/24/2006	(439305)
22	01/15/2003	(20157)	99	09/20/2004	(352161)	177	01/27/2006	(440026)
23	01/22/2003	(158341)	100	10/13/2004	(286696)	178	01/27/2006	(440027)
24	01/22/2003	(18888)	101	10/13/2004	(286697)	179	01/27/2006	(440028)
25	02/14/2003	(19679)	102	10/13/2004	(286698)	180	02/07/2006	(437317)
26	02/18/2003	(158302)	103	10/20/2004	(352158)	181	02/15/2006	(450083)
27	03/21/2003	(158305)	104	11/08/2004	(336153)	182	02/16/2006	(440030)
28	03/27/2003	(26230)	105	11/08/2004	(336154)	183	02/22/2006	(468420)
29	04/03/2003	(27121)	106	11/08/2004	(336156)	184	03/15/2006	(498184)
30	04/03/2003	(27201)	107	11/08/2004	(336149)	185	03/28/2006	(454259)
31	04/03/2003	(27056)	108	11/19/2004	(352159)	186	03/28/2006	(454260)
32	04/03/2003	(27066)	109	11/22/2004	(341148)	187	03/28/2006	(454262)
33	04/03/2003	(27131)	110	11/22/2004	(341153)	188	03/29/2006	(454264)
34	04/03/2003	(26943)	111	11/22/2004	(341149)	189	03/29/2006	(454263)
35	04/03/2003	(27183)	112	11/22/2004	(341150)	190	04/13/2006	(468421)
36	04/04/2003	(26233)	113	11/22/2004	(341152)	191	04/13/2006	(468422)
37	04/21/2003	(158310)	114	11/23/2004	(338625)	192	04/14/2006	(454439)
38	05/19/2003	(31005)	115	12/13/2004	(343042)	193	05/03/2006	(453610)
39	05/22/2003	(295435)	116	12/13/2004	(343131)	194	05/12/2006	(498185)
40	05/27/2003	(48708)	117	12/17/2004	(352160)	195	05/16/2006	(464801)
41	06/17/2003	(61544)	118	12/22/2004	(339617)	196	05/16/2006	(464788)
42	06/19/2003	(158317)	119	01/06/2005	(343526)	197	05/22/2006	(459051)
43	07/01/2003	(38152)	120	01/24/2005	(346789)	198	06/16/2006	(465963)
44	07/17/2003	(295440)	121	01/31/2005	(347748)	199	06/20/2006	(498186)
45	07/23/2003	(40816)	122	02/10/2005	(348671)	200	07/13/2006	(481868)
46	08/18/2003	(295443)	123	02/18/2005	(344919)	201	07/17/2006	(455987)
47	08/28/2003	(28999)	124	02/22/2005	(381860)	202	07/24/2006	(482945)
48	09/09/2003	(247671)	125	03/23/2005	(346655)	203	07/24/2006	(466418)
49	09/22/2003	(295445)	126	04/01/2005	(341733)	204	08/18/2006	(520192)
50	10/13/2003	(248076)	127	04/01/2005	(341734)	205	08/25/2006	(466256)
51	10/13/2003	(248091)	128	04/22/2005	(419690)	206	08/31/2006	(452766)
52	10/13/2003	(248609)	129	04/22/2005	(419693)	207	08/31/2006	(437272)
53	10/16/2003	(248607)	130	04/27/2005	(340352)	208	08/31/2006	(437238)
54	10/16/2003	(248083)	131	05/20/2005	(381148)	209	09/19/2006	(520193)
55	10/27/2003	(295447)	132	05/20/2005	(381149)	210	09/19/2006	(520195)
56	11/20/2003	(295448)	133	05/20/2005	(381150)	211	10/16/2006	(520194)

57	12/02/2003	(34076)	134	05/20/2005	(381151)	212	11/03/2006	(516484)
58	12/11/2003	(252519)	135	05/23/2005	(419691)	213	11/14/2006	(512177)
59	12/12/2003	(254380)	136	06/21/2005	(419692)	214	11/15/2006	(544494)
60	12/22/2003	(252520)	137	06/23/2005	(381154)	215	12/18/2006	(544495)
61	12/23/2003	(295449)	138	06/24/2005	(419689)	216	12/28/2006	(254143)
62	12/30/2003	(256359)	139	06/30/2005	(381062)	217	12/28/2006	(145783)
63	12/30/2003	(256360)	140	07/19/2005	(377532)	218	12/28/2006	(267063)
64	12/30/2003	(256361)	141	08/01/2005	(395622)	219	12/28/2006	(29038)
65	12/31/2003	(258590)	142	08/01/2005	(395623)	220	12/28/2006	(26423)
66	12/31/2003	(258591)	143	08/19/2005	(440827)	221	12/28/2006	(340489)
67	01/16/2004	(295451)	144	08/23/2005	(399864)	222	02/02/2007	(536089)
68	02/06/2004	(284347)	145	08/31/2005	(374623)	223	02/05/2007	(481275)
69	02/18/2004	(260152)	146	08/31/2005	(343681)	224	02/15/2007	(544493)
70	02/18/2004	(295430)	147	08/31/2005	(339481)	225	04/21/2007	(454289)
71	03/22/2004	(295432)	148	09/15/2005	(398731)	226	04/21/2007	(512224)
72	03/24/2004	(251592)	149	09/15/2005	(398732)	227	04/26/2007	(556885)
73	04/02/2004	(249785)	150	09/15/2005	(398734)	228	06/23/2007	(452727)
74	04/06/2004	(267670)	151	09/15/2005	(398735)	229	06/25/2007	(555224)
75	04/06/2004	(267580)	152	09/23/2005	(440828)	230	07/31/2007	(558780)
76	04/07/2004	(264561)	153	09/23/2005	(440830)	231	08/14/2007	(544000)
			154	10/24/2005	(440829)	232	08/15/2007	(543999)
						233	08/15/2007	(571469)

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

Date: 04/30/2003 (295435)

Self Report? YES Classification: Moderate

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

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

Date: 05/19/2003 (31005)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]

Rqmt Prov: OP 414-000

Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]

Rqmt Prov: OP 414-000

Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 414-000

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 414-000

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 414-000

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 414-000

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 07/24/2003 (40816)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.223(e)

Description: Failure to submit daily source cap limit exceedance reports.

Date: 12/23/2003 (252520)

Self Report? NO Classification: Moderate

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

Description: Failure to create a final record of a non-reportable emission event at SRU3.

Self Report? NO Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit.
Date: 01/31/2004 (295430)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 01/20/2005 (344919)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.222(3)
30 TAC Chapter 115, SubChapter C 115.242(4)
Description: Failure to ensure no gasoline leaks exist anywhere on the dispensing equipment or vapor recovery system. At the time of the investigation, there was a steady drip of product coming from the suction pump under dispenser 1.

Date: 01/31/2005 (381860)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 02/10/2005 (348671)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Date: 04/28/2005 (371586)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 8404, SC XII-13
Description: Failure to maintain the SO2 concentration below the maximum allowable limit.
Date: 12/31/2005 (440830)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/17/2006 (454439)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Date: 06/30/2006 (468422)

Self Report? YES Classification: Moderate

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

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 04/27/2007 (556885)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP O-01386, General Terms and Conditions
OP O-01386, Special Terms and Condition 2F
Description: Failure to properly report the initial notification and final report to the regional office for an emissions event (Incident 86816) which occurred from February 1-9, 2007. MIN (3)(C), EIC C3
Date: 06/25/2007 (555224)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.163(1)[G]
30 TAC Chapter 335, SubChapter F 335.163(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(c)
Rqmt Prov: PERMIT P.P. II.c.1.m.
Description: Failure to provide required locked caps, clearly visible identification numbers, and bumper guards on MW-5, MW-48, and MW-46.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.164(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(d)
Rqmt Prov: IHWPERMTCP C.P.P. VI.C.
PERMIT P.P. VI. J
Description: Failure to adhere to the sampling frequencies as required by the Sampling Analysis Plan.
Date: 08/15/2007 (571469)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 8404, Special Condition 20
PERMIT 8404, Special Condition 21
OP O-01386, General Terms and Conditions
OP O-01386, Special Condition 16A
OP O-01386, Special Condition 1A
Description: Failure to monitor the pilot flame at the CRU4 Flare.
Date: 08/15/2007 (544000)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP O-01386, General Terms and Conditions
OP O-01386, Special Condition 16A
Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 8404, Special Condition 10E
PERMIT 8404, Special Condition 11E
PERMIT 8404, Special Condition 14
PERMIT 8404, Special Condition 16
PERMIT 8404, Special Condition 20
PERMIT 8404, Special Condition 23
PERMIT 8404, Special Condition 38
PERMIT 8404, Special Condition 56
OP O-01386, General Terms and Conditions
OP O-01386, Special Condition 16A
Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 8404, Special Condition 16
PERMIT 8404, Special Condition 56
OP O-01386, General Terms and Conditions

OP O-01386, Special Condition 16A
OP O-01386, Special Condition 1A
Description: Failure to monitor the pilot flame at the ALKY and HCU flares.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP O-01386, General Terms and Conditions
Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

F. Environmental audits.

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

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

G. Type of environmental management systems (EMSs).

Type	Tier	Certification Date
30 TAC CERTIFIED	BASIC	05/10/2006

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	05/10/2006

J. Early compliance. N/A

Sites Outside of Texas N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
MOTIVA ENTERPRISES LLC	§	
RN100209451	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1335-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("the Respondent") under the authority of Tex. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 5, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Four Thousand Seven Hundred Dollars ($24,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Eight Hundred Eighty Dollars ($9,880) of the administrative penalty and Four Thousand Nine Hundred Forty Dollars ($4,940) is deferred

contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Nine Thousand Eight Hundred Eighty Dollars ($9,880) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. By August 22, 2007, in response to the emissions event that occurred on April 8, 2007, completed the following actions:

      i. Reviewed start up and shut down procedures;

      ii. Modified the acid gas reduction procedure;

      iii. Created a document to stress the importance of knowing what to do if experiencing an emergency shutdown;

      iv. Met with personnel to discuss the importance of increasing the frequency of drills with both field and console operators to increase preparedness for emergency situations; and

      v. Scheduled the installation of a reliable form of condensate backflow prevention for completion prior to November 30, 2007.

   b. By May 1, 2007, in response to the opacity exceedance that occurred on April 6, 2007, revised and implemented a new procedure that includes verification of the condition of the torch oil regulator and bypass;

   c. By July 9, 2007, in response to the opacity exceedance that occurred on April 11, 2007, completed the following actions:

      i. Trained Operations personnel on the emergency steam controller;

      ii. Reviewed Instrument Protection Function changes from 2006 and identified any potential misunderstandings and clarified the changes with Operations personnel through documentation and classroom training;

      iii. Added an item to the Turnaround Work Letter and Threats Database to inspect, test, and mitigate problems with the lift air blower check valve, including air assist;

iv. Inspected and tested the lift air blower discharge valve; and

v. Checked the steam traps on the emergency steam to the C4 line.

10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. 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.

12. 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, the Respondent is alleged to have:

1. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), New Source Review Flexible Air Permit No. 8404/PSD-TX-1062, Special Condition Nos. 1 and 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2007. Specifically, the emissions limit for emissions events under a flexible permit is zero pounds ("lbs") per hour, and on April 8, 2007, the Sulfur Complex Emergency Flare (EPN EARU1&2) emitted 14,519 lbs of sulfur dioxide, 77.9 lbs of hydrogen sulfide, 2.2 lbs of carbon monoxide, and 0.3 lbs of nitrogen oxides, over a 36 minute period. Because these emissions could have been foreseen and avoided by better operation and design practices, they do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

2. Failed to comply with opacity limits, in violation of 30 TEX. ADMIN. CODE § 111.111(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 12, 2007. Specifically, opacity is limited to 30%, averaged over a six minute period, but on April 6, 2007, the CO Boiler/Scrubber Stack Bypass (EPN SFCCU3-2) in the Fluid Catalytic Cracking Unit exceeded that limit four times, and by as much as 62%. On April 11, 2007, EPN SFCCU3-2 experienced three additional opacity exceedances, one by as much as 73%. Because the Respondent could have foreseen and avoided these exceedances, they do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(d)(1-10).

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2007-1335-AIR-E" to:

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

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Eight Hundred Eighty Dollars ($9,880) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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

   a. Within 30 days after the effective date of this Agreed Order, complete improvements to designs, operations, and/or maintenance practices that address the causes leading to the emissions event that occurred on April 8, 2007, and to prevent the reoccurrence of same or similar incidents; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a. 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 that under the penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtained the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

      The certification shall be submitted to:

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

with a copy to:

Manager, Air Section
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-18300

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

_____ 2/7/2008
For the Executive Director 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.

_____ 11/28/07
Signature Date

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

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

Attachment A
Docket Number: 2007-1335-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises LLC**
Payable Penalty Amount:	**Nineteen Thousand Seven Hundred Sixty Dollars ($19,760)**
SEP Amount:	**Nine Thousand Eight Hundred Eighty Dollars ($9,880)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses**
Location of SEP:	**Jefferson County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("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 matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

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:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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