EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1513-AIR-E **TCEQ ID:** RN100209451 **CASE NO.:** 31014

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, 2100 Houston Avenue, Port Arthur, Jefferson County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ___ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2005-2011-AIR-E, 2007-0586-MLM-E, 2007-1335-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 22, 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. Daniel Siringi, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Tom Purves, Plant Manager, Motiva Enterprises, LLC, 2100 Houston Avenue, Port Arthur, Texas 77640
Mr. James Rhame, for Mr. Todd Monette, Production Manager, Motiva Enterprises, LLC, 2100 Houston Avenue, Port Arthur, Texas 77640
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 5, 2006 **Date of NOV/NOE Relating to this Case:** August 25, 2006 (NOE) **Background Facts:** This was a routine investigation. Nine violations were documented. **AIR** 1) Failed to obtain authorization for the carbon monoxide ("CO") emissions from the Methyl Perrolidone ("MPU") No. 3 Extract Heater (EPN SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN SMPU3-1). On the 2004 emissions inventory 2.3849 tons and 0.1186 tons of CO were reported from these EPNs; however, CO is not authorized for these EPNs by Flexible Permit No. 8404 [30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to comply with the permitted Maximum Allowable Emission Rate Table ("MAERT") limits by emitting 15.82 tons of Particulate Matter ("PM") and 4.8215 tons of Volatile Organic Compounds ("VOCs") in 2004 and 4.5212 tons of VOCs in 2005. Specifically, the following unauthorized emissions were documented on emissions inventory reports: 2.47 tons, 2.39 tons and 11.06 tons of PM10 were emitted from Vacuum Pipe Still Number 4 ("VPS4") Vacuum Heater A ("EPN SVPS4-5"), VPS4 Vacuum Heater B ("EPN SVSP4-6") and VPS4 Common Heater Stack ("EPN SVSP4-7"), respectively, and 8.2216 tons and 1.1211 tons of VOCs from Tank 1094 ("EPN TML01904") and Tank 1728 ("EPN TST01728"), respectively [30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7) and 122.143(4), Air Permit No. 8404, Special	**Total Assessed:** $368,445 **Total Deferred:** $73,689 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $147,378 **Total Paid to General Revenue:** $147,378 **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:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant: a. Obtained authorization for CO emissions from the MPU No. 3 Extract Heater (EPN: SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN SMPU3-1) by amendment to Air Permit 8404 effective November 15, 2006; b. Obtained authorization in the amendment to Air Permit 8404 effective November 15, 2006, to allow for logos, slogans and similar displays which are not painted white to be allowed on up to 15% of the uninsulated exterior tank surfaces; c. Posted permanent and conspicuous operating procedures on Degreasing Units and replaced Degreaser Unit 9 with a model that meets requirements, as reported to the TCEQ in a letter dated March 25, 2005; d. Conducted awareness training on November 1, 2006 to ensure that records of repair monitoring are kept; e. Conducted awareness training on November 9, 2006 to ensure proper procedures are followed regarding open-ended lines being equipped with a cap, blind flange or second valve; and f. Added all new fugitive monitoring components into the database and conducted monitoring on December 23, 2005. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 3) The Order will also require the Respondent to: a. Within 30 days after the effective date of this Agreed Order:

Condition 9 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526 and 14824 [30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), Air Permit No. 8404, Special Condition 6F, Federal Operating Permit ("FOP") No. O-01386, General Terms and Conditions and Special Condition 16A and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to timely report 12 deviations that occurred during the three semi-annual reporting periods of October 7, 2004 through April 6, 2005; April 7, 2005 through October 6, 2005; and October 7, 2005 through April 6, 2006. Additionally, two of these reports were missing other information: corrective action was not included for a deviation (identified as Deviation Number 95) in the semi-annual deviation report for the period of October 7, 2004, through April 6, 2005 or for a deviation (identified as Deviation Number 98) in the deviation report for the period of October 7, 2005 to April 6, 2006 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O-01386, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 5) Failed to properly operate facility degreasing units. Specifically, the Respondent had degreased porous or absorbent materials (rags) in Degreasing Units 1 and 2 and failed to operate Degreasing Units 1-9 with a permanent and conspicuous label posted on or near the degreasers summarizing proper operating procedures to minimize emissions. Also, Degreaser Unit 9 operated with a drain area greater than 16 square inches [30 TEX. ADMIN. CODE §§ 106.454(1)(C), (E) and (2)(A) and 122.143(4), FOP No. O-01386, General Terms and Conditions and Special Condition 17 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 6) Failed to maintain a record of the repair monitoring for a leaking flange on a gasoline blender as reported on the October 7, 2004 through April 6, 2005 semi-annual deviation report [30 TEX. ADMIN. CODE §§ 115.356(2)(E)(v) and 122.143(4), FOP No. O-01386, General Terms and Conditions and Special Condition 1A and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 7) Failed to equip the end of 67 open-ended		i. Demonstrate compliance with emission rates for PM and VOCs is being maintained at EPN SVPS4-5, EPN SVSP4-6, EPN SVSP4-7, EPN TML 01904 and EPN TST01728; ii. Report deviations not previously reported or inadequately reported on the semi-annual deviation reports for FOP O-01386 for the periods of October 7, 2004 through April 6, 2005; April 7, 2005 through October 6, 2005 and October 7, 2005 through April 6, 2006; and iii. Implement procedures to ensure daily hand gauging and hydrocarbon checks after hydrocarbons are discovered at the 15-foot level in Amine Charge Tanks. b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. - 3.a.iii. The certification shall include detailed supporting documentation including receipts, and /or other records to demonstrate compliance.

lines with a cap, plug, blind flange, or second valve at the Delayed Coking Unit ("DCU"), Light Oil Treating Area (LOTA), North Side Gas Plant (NSGP), Pumphouse 57 (PH57), Vacuum Pipe Still Number 2 (VPS2), Loading Rack 4 (LR4), Catalytic Reforming Unit Number 4 (CRU4), Alkylation Unit (ALKY), Fluid Catalytic Cracking Unit Number 3 (FCCU#3), Hydrogen Cracking Unit (HCU), VPS4, Hydrotreating Unit Number 3 (HTU3), and Pumphouse 27 (PH27) as documented in the semi-annual deviation report for the period of October 7, 2005 through April 6, 2006 [30 TEX. ADMIN. CODE §§ 101.20(1), 133.340, 116.715(a) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") 60.592(a), Air Permit No. 8404, Special Conditions 10E, 11E, 14, 16, 20, 23, 38 and 56, FOP O-01386, Special Conditions 1A and 16A and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failed to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift after hydrocarbons were discovered at the 15-foot level of Amine Charge Tank 1898 on September 7, 2005 [30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), Air Permit No. 8404, Special Condition 79, FOP O-01386, Special Condition 16A and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 9) Failed to maintain a record of fugitive monitoring components 19992, 19993 and 19994 in the fugitive monitoring database [30 TEX. ADMIN. CODE §§ 101.20(1), 113.340 and 122.143(4), 40 CFR § 60.592(e), FOP O-01386, General Terms and Special Condition 1A and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: JE0095D

Attachment A
Docket Number: 2006-1513-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises, LLC**
Payable Penalty Amount:	**Two Hundred Ninety-Four Thousand Seven Hundred Fifty-Six Dollars ($294,756)**
SEP Amount:	**One Hundred Forty-Seven Thousand Three Hundred Seventy-Eight Dollars ($147,378)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Jefferson County-Southeast Texas Regional Air Monitoring Network**
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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. SEP monies will be used to pay for the labor and materials costs associated with maintaining, repairing, and replacing the existing air monitoring stations at the seven sites.

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 measuring ozone and nitrogen oxide at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. This data is accessible to TCEQ and the public. Continued monitoring will help TCEQ and local government better respond to citizen's questions about public health as it relates to air quality and will enable TCEQ to better identify emission sources.

C. Minimum Expenditure

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:

The Honorable Carl R. Griffith, Jr.
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

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 December 8, 2006*

DATES					
Assigned	28-Aug-2006				
PCW	14-Dec-2006	Screening	30-Aug-2006	EPA Due	27-May-2007

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.	31014	No. of Violations	9
Docket No.	2006-1513-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$115,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **219%** Enhancement — *Subtotals 2, 3, & 7* **$252,945**

Notes: Enhancement for five NOVs with same or similar violations, twelve NOVs without same or similar violations, including nine self-reported NOVs, three 1660 orders, and five findings orders. Reduction for an environmental management system in place, and participation in a voluntary pollution reduction program.

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

Notes: Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,382
Approx. Cost of Compliance	$33,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$368,445**

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 **$368,445**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$368,445**

DEFERRAL — **20%** Reduction — *Adjustment* **-$73,689**

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 **$294,756**

Screening Date 30-Aug-2006 **Docket No.** 2006-1513-AIR-E **PCW**

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

Case ID No. 31014 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	5	25%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*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*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 219%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with same or similar violations, twelve NOVs without same or similar violations, including nine self-reported NOVs, three 1660 orders, and five findings orders. Reduction for an environmental management system in place, and participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 219%

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a)(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to obtain authorization for the Carbon Monoxide ("CO") emissions from the Methyl Perrolidone Unit ("MPU") No. 3 Extract Heater (EPN SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN SMPU3-1). On the 2004 emissions inventory 2.3849 tons and 0.1186 tons of CO were reported from these EPNs; however, CO is not authorized for these EPNs by Flexible Permit No. 8404.

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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 8

972 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $20,000

Eight quarterly events are recommended; four per unit.

Economic Benefit (EB) for this violation

Estimated EB Amount $45

Statutory Limit Test

Violation Final Penalty Total $63,800

This violation Final Assessed Penalty (adjusted for limits) $63,800

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
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)				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	$2,000	5-Jun-2006	15-Nov-2006	0.4	$45	n/a	$45
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost of amending the permit. Date required is the date of investigation and final date is the 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: $45

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and (c)(7), 122.143(4), Air Permit No. 8404, Special Condition 9 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the permitted Maximum Allowable Emission Rate Table ("MAERT") limits by emitting 15.82 tons of Particulate Matter ("PM") and 4.8215 tons of Volatile Organic Compounds ("VOCs") in 2004 and 4.5212 tons of VOCs in 2005. Specifically, the following unauthorized emissions were documented on emissions inventory reports: 2.47 tons, 2.39 tons and 11.06 tons of PM10 were emitted from Vacuum Pipe Still Number 4 ("VPS4") Vacuum Heater A (EPN SVPS4-5), VPS4 Vacuum Heater B (EPN SVSP4-6) and VPS4 Common Heater Stack (EPN SVSP4-7), respectively, and 8.2216 tons and 1.1211 tons of VOCs from Tank 1094 (EPN TML01904) and Tank 1728 (EPN TST01728), respectively.

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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 28

730 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $70,000

Twenty-eight quarterly events are recommended for 3 units exceeding limits in 2004 and 2 units in 2004 and 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $765

Statutory Limit Test

Violation Final Penalty Total $223,300

This violation Final Assessed Penalty (adjusted for limits) $223,300

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 2

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)	$15,000	5-Jun-2006	26-Feb-2007	0.7	$36	$729	$765
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost of preventing emissions. Date required is the date of investigation and final date is the estimated compliance date.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $15,000

TOTAL: $765

Screening Date 30-Aug-2006 **Docket No.** 2006-1513-AIR-E **PCW**

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

Case ID No. 31014 *PCW Revision December 8, 2006*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air Quality

Enf. Coordinator Daniel Siringi

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a), 122.143(4), Air Permit No. 8404, Special Condition 6F, Federal Operating Permit ("FOP") No. O-01386, General Terms and Conditions and Special Condition 16A and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526 and 14824.

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 be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 10 | 103 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $10,000

Ten single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $31,900

This violation Final Assessed Penalty (adjusted for limits) $31,900

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 3

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

Notes for DELAYED costs: The economic benefit for this violation is included in that for Violation No. 1 because compliance with the requirements was achieved through the same permit amendment.

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	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), FOP No. O-01386, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to timely report 12 deviations that occurred during the three semi-annual reporting periods of October 7, 2004 through April 6, 2005; April 7, 2005 through October 6, 2005; and October 7, 2005 through April 6, 2006. Additionally, two of these reports were missing other information: corrective action was not included for a deviation (identified as Deviation Number 95) in the semi-annual deviation report for the period of October 7, 2004 through April 6, 2005 or for a deviation (identified as Deviation Number 98) in the deviation report for the period of October 7, 2005 to April 6, 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: At least 70% of the rule requirements were met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 3

692 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

Three single events are recommended, each representing one semi-annual deviation report which was missing information.

Economic Benefit (EB) for this violation

Estimated EB Amount $179

Statutory Limit Test

Violation Final Penalty Total $957

This violation Final Assessed Penalty (adjusted for limits) $957

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 4

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)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,500	7-Oct-2004	26-Feb-2007	2.4	$179	n/a	$179

Notes for DELAYED costs: Estimated cost of preparing and submitting complete reports. The date required is the date the first deviations were required to be reported and the final date is the estimated date of 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: $1,500

TOTAL: $179

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 106.454(1)(C), (E) and (2)(A), 122.143(4), FOP No. O-01386, General Terms and Conditions and Special Condition 17 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to properly operate facility degreasing units. Specifically, Motiva had degreased porous or absorbent materials (rags) in Degreasing Units 1 and 2 and failed to operate Degreasing Units 1-9 with a permanent and conspicuous label posted on or near the degreasers summarizing proper operating procedures to minimize emissions. Also, Degreaser Unit 9 operated with a drain area greater than 16 square inches.

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 be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 9

103 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $9,000

Nine single events are recommended for each degreasing unit.

Economic Benefit (EB) for this violation

Estimated EB Amount $347

Statutory Limit Test

Violation Final Penalty Total $28,710

This violation Final Assessed Penalty (adjusted for limits) $28,710

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 5

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)	$10,000	7-Oct-2004	25-Mar-2005	0.5	$15	$309	$324
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	7-Oct-2004	25-Mar-2005	0.5	$23	n/a	$23

Notes for DELAYED costs: Estimated cost of equipment and training to ensure proper degreasing operations. Date required is first day of semi-annual period during for which violation was reported and final date is the date of corrective action completion.

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: $11,000

TOTAL: $347

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 115.356(2)(E)(v), 122.143(4), FOP No. O-01386, General Terms and Conditions and Special Condition 1A and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain a record of the repair monitoring for a leaking flange on a gasoline blender as reported on the October 7, 2004 through April 6, 2005 semi-annual deviation report.

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: At least 70% of the rule requirement was met.

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

Estimated EB Amount $14

Statutory Limit Test

Violation Final Penalty Total $319

This violation Final Assessed Penalty (adjusted for limits) $319

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 6

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)				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	$700	5-Jun-2006	1-Nov-2006	0.4	$14	n/a	$14
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost of measures designed to ensure proper maintenance records are kept. Date required is the investigation date and final date is date corrective action was 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 $700

TOTAL $14

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 133.340, 116.715(a), 122.143(4), 40 CFR 60.592(a), Air Permit No. 8404, Special Conditions 10E, 11E, 14, 16, 20, 23, 38 and 56, FOP O-01386, Special Conditions 1A and 16A and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to equip the end of 67 open-ended lines with a cap, plug, blind flange, or second valve at the Delayed Coking Unit (DCU), Light Oil Treating Area (LOTA), North Side Gas Plant (NSGP), Pumphouse 57 (PH57), Vacuum Pipe Still Number 2 (VPS2), Loading Rack 4 (LR4), Catalytic Reforming Unit Number 4 (CRU4), Alkylation Unit (ALKY), Fluid Catalytic Cracking Unit Number 3 (FCCU#3), Hydrogen Cracking Unit (HCU), Vacuum Pipe Still Number 4 (VPS4), Hydrotreating Unit Number 3 (HTU3), and Pumphouse 27 (PH27) as documented in the semi-annual deviation report for the period of October 7, 2005, through April 6, 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 do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Estimated emissions of 1476.144 pounds of Volatile Organic Compounds from the open-ended lines were calculated utilizing the Facility/Compound Specific Fugitive Emission Factors in the "Air Permits Technical Guidance for Chemical Sources: Equipment Leak Fugitives" Publication.

Adjustment $7,500

$2,500

Violation Events

2 — 180 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 $32

Statutory Limit Test

Violation Final Penalty Total $15,950

This violation Final Assessed Penalty (adjusted for limits) $15,950

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 7

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)				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	5-Jun-2006	9-Nov-2006	0.4	$32	n/a	$32
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of implementing procedures and/or training to ensure open-ended lines are equipped with a cap, plug, blind flange or a second valve. Date required is the date of investigation and final date is the date corrective action was 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: $1,500

TOTAL: $32

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a), 122.143(4), Air Permit No. 8404, Special Condition 79, FOP O-01386, Special Condition 16A and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift after hydrocarbons were discovered at the 15-foot level of Amine Charge Tank 1898 on September 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 be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

1 x 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

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $3,190

This violation Final Assessed Penalty (adjusted for limits) $3,190

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 8

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)				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	7-Sep-2005	26-Feb-2007	1.5	$22	n/a	$22

Notes for DELAYED costs: Estimated cost of implementing procedures for all hand gauging and hydrocarbon checks. Date required is the date of the event and final date is the estimated date of corrective action.

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: $22

Screening Date	30-Aug-2006	**Docket No.** 2006-1513-AIR-E	**PCW**
Respondent	Motiva Enterprises, LLC		*Policy Revision 2 (September 2002)*
Case ID No.	31014		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air Quality		
Enf. Coordinator	Daniel Siringi		

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 113.340, 122.143(4), 40 CFR § 60.592(e), FOP O-01386, General Terms and Special Condition 1A and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain a record of fugitive monitoring components 19992, 19993 and 19994 in the fugitive monitoring database.

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: At least 70% of the rule requirement was met.

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

Estimated EB Amount -$22

Statutory Limit Test

Violation Final Penalty Total $319

This violation Final Assessed Penalty (adjusted for limits) $319

Economic Benefit Worksheet

Respondent Motiva Enterprises, LLC
Case ID No. 31014
Reg. Ent. Reference No. RN100209451
Media Air Quality
Violation No. 9

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)				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	5-Jun-2006	23-Dec-2005	-0.4	-$22	n/a	-$22
Notes for DELAYED costs	Estimated cost of implementing procedures to ensure maintenance of records. Date required is the date of investigation and final date is date corrective action was 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: $1,000

TOTAL: -$22

Compliance History

Customer/Respondent/Owner-Operator:	CN600124051	Motiva Enterprises LLC	Classification: AVERAGE	Rating: 1.40
Regulated Entity:	RN100209451	PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 13.30

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0095D
AIR OPERATING PERMITS	PERMIT	1386
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008097529
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30121
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50188
WASTEWATER	PERMIT	WQ0000414000
WASTEWATER	PERMIT	TX0005835
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230079
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0095D
AIR NEW SOURCE PERMITS	PERMIT	11297
AIR NEW SOURCE PERMITS	PERMIT	11762
AIR NEW SOURCE PERMITS	PERMIT	11777
AIR NEW SOURCE PERMITS	PERMIT	11895
AIR NEW SOURCE PERMITS	PERMIT	12059
AIR NEW SOURCE PERMITS	PERMIT	12117
AIR NEW SOURCE PERMITS	PERMIT	12482
AIR NEW SOURCE PERMITS	PERMIT	13313
AIR NEW SOURCE PERMITS	PERMIT	13358
AIR NEW SOURCE PERMITS	PERMIT	13534
AIR NEW SOURCE PERMITS	PERMIT	13693
AIR NEW SOURCE PERMITS	PERMIT	14363
AIR NEW SOURCE PERMITS	PERMIT	14273
AIR NEW SOURCE PERMITS	PERMIT	14493
AIR NEW SOURCE PERMITS	PERMIT	15403
AIR NEW SOURCE PERMITS	PERMIT	15717
AIR NEW SOURCE PERMITS	PERMIT	16025
AIR NEW SOURCE PERMITS	PERMIT	16221
AIR NEW SOURCE PERMITS	PERMIT	17522
AIR NEW SOURCE PERMITS	PERMIT	54322
AIR NEW SOURCE PERMITS	PERMIT	54599
AIR NEW SOURCE PERMITS	REGISTRATION	55470
AIR NEW SOURCE PERMITS	REGISTRATION	75965
AIR NEW SOURCE PERMITS	REGISTRATION	75969
AIR NEW SOURCE PERMITS	REGISTRATION	75968
AIR NEW SOURCE PERMITS	REGISTRATION	76100
AIR NEW SOURCE PERMITS	REGISTRATION	75598
AIR NEW SOURCE PERMITS	REGISTRATION	75653
AIR NEW SOURCE PERMITS	REGISTRATION	76283
AIR NEW SOURCE PERMITS	REGISTRATION	55797
AIR NEW SOURCE PERMITS	REGISTRATION	76146
AIR NEW SOURCE PERMITS	PERMIT	56287
AIR NEW SOURCE PERMITS	REGISTRATION	71554
AIR NEW SOURCE PERMITS	REGISTRATION	71770
AIR NEW SOURCE PERMITS	PERMIT	52468
AIR NEW SOURCE PERMITS	PERMIT	55343
AIR NEW SOURCE PERMITS	PERMIT	52429
AIR NEW SOURCE PERMITS	PERMIT	71111
AIR NEW SOURCE PERMITS	PERMIT	52910
AIR NEW SOURCE PERMITS	PERMIT	53266
AIR NEW SOURCE PERMITS	PERMIT	54779
AIR NEW SOURCE PERMITS	PERMIT	53478
AIR NEW SOURCE PERMITS	REGISTRATION	72294
AIR NEW SOURCE PERMITS	REGISTRATION	72558
AIR NEW SOURCE PERMITS	REGISTRATION	72633
AIR NEW SOURCE PERMITS	REGISTRATION	75103
AIR NEW SOURCE PERMITS	REGISTRATION	75192
AIR NEW SOURCE PERMITS	REGISTRATION	77244
AIR NEW SOURCE PERMITS	REGISTRATION	77320
AIR NEW SOURCE PERMITS	REGISTRATION	77681
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062

AIR NEW SOURCE PERMITS	REGISTRATION	77922
AIR NEW SOURCE PERMITS	REGISTRATION	26297
AIR NEW SOURCE PERMITS	PERMIT	78358
AIR NEW SOURCE PERMITS	REGISTRATION	78595
AIR NEW SOURCE PERMITS	PERMIT	48503
AIR NEW SOURCE PERMITS	PERMIT	48504
AIR NEW SOURCE PERMITS	PERMIT	48505
AIR NEW SOURCE PERMITS	PERMIT	48506
AIR NEW SOURCE PERMITS	PERMIT	49372
AIR NEW SOURCE PERMITS	PERMIT	49332
AIR NEW SOURCE PERMITS	PERMIT	49333
AIR NEW SOURCE PERMITS	PERMIT	49480
AIR NEW SOURCE PERMITS	PERMIT	49477
AIR NEW SOURCE PERMITS	PERMIT	49478
AIR NEW SOURCE PERMITS	PERMIT	49912
AIR NEW SOURCE PERMITS	PERMIT	50157
AIR NEW SOURCE PERMITS	PERMIT	50158
AIR NEW SOURCE PERMITS	PERMIT	50299
AIR NEW SOURCE PERMITS	PERMIT	791
AIR NEW SOURCE PERMITS	PERMIT	2196
AIR NEW SOURCE PERMITS	PERMIT	3415
AIR NEW SOURCE PERMITS	PERMIT	6056
AIR NEW SOURCE PERMITS	PERMIT	7160
AIR NEW SOURCE PERMITS	PERMIT	7304
AIR NEW SOURCE PERMITS	PERMIT	8210
AIR NEW SOURCE PERMITS	PERMIT	8404
AIR NEW SOURCE PERMITS	PERMIT	9244
AIR NEW SOURCE PERMITS	PERMIT	19672
AIR NEW SOURCE PERMITS	PERMIT	21100
AIR NEW SOURCE PERMITS	PERMIT	21099
AIR NEW SOURCE PERMITS	PERMIT	22061
AIR NEW SOURCE PERMITS	PERMIT	22069
AIR NEW SOURCE PERMITS	PERMIT	23689
AIR NEW SOURCE PERMITS	PERMIT	23943
AIR NEW SOURCE PERMITS	PERMIT	23690
AIR NEW SOURCE PERMITS	PERMIT	24148
AIR NEW SOURCE PERMITS	PERMIT	24417
AIR NEW SOURCE PERMITS	PERMIT	24081
AIR NEW SOURCE PERMITS	PERMIT	24307
AIR NEW SOURCE PERMITS	PERMIT	29244
AIR NEW SOURCE PERMITS	PERMIT	32236
AIR NEW SOURCE PERMITS	PERMIT	31590
AIR NEW SOURCE PERMITS	PERMIT	32853
AIR NEW SOURCE PERMITS	PERMIT	34264
AIR NEW SOURCE PERMITS	PERMIT	34500
AIR NEW SOURCE PERMITS	PERMIT	37624
AIR NEW SOURCE PERMITS	PERMIT	38931
AIR NEW SOURCE PERMITS	PERMIT	39659
AIR NEW SOURCE PERMITS	PERMIT	40494
AIR NEW SOURCE PERMITS	PERMIT	40950
AIR NEW SOURCE PERMITS	PERMIT	41443
AIR NEW SOURCE PERMITS	PERMIT	41820
AIR NEW SOURCE PERMITS	PERMIT	44322
AIR NEW SOURCE PERMITS	PERMIT	44565
AIR NEW SOURCE PERMITS	PERMIT	44691
AIR NEW SOURCE PERMITS	PERMIT	45561
AIR NEW SOURCE PERMITS	PERMIT	45560
AIR NEW SOURCE PERMITS	PERMIT	45545
AIR NEW SOURCE PERMITS	PERMIT	45938
AIR NEW SOURCE PERMITS	PERMIT	45937
AIR NEW SOURCE PERMITS	PERMIT	45936
AIR NEW SOURCE PERMITS	PERMIT	45935
AIR NEW SOURCE PERMITS	PERMIT	45934
AIR NEW SOURCE PERMITS	PERMIT	46015
AIR NEW SOURCE PERMITS	PERMIT	46079
AIR NEW SOURCE PERMITS	PERMIT	46331
AIR NEW SOURCE PERMITS	PERMIT	46330
AIR NEW SOURCE PERMITS	PERMIT	46326
AIR NEW SOURCE PERMITS	PERMIT	46589

AIR NEW SOURCE PERMITS	PERMIT	46958
AIR NEW SOURCE PERMITS	PERMIT	47149
AIR NEW SOURCE PERMITS	PERMIT	47637
AIR NEW SOURCE PERMITS	PERMIT	48153
AIR NEW SOURCE PERMITS	PERMIT	51922
AIR NEW SOURCE PERMITS	PERMIT	52701
AIR NEW SOURCE PERMITS	PERMIT	52622
AIR NEW SOURCE PERMITS	PERMIT	52879
AIR NEW SOURCE PERMITS	PERMIT	52878
AIR NEW SOURCE PERMITS	AFS NUM	0020
AIR NEW SOURCE PERMITS	REGISTRATION	8404
AIR NEW SOURCE PERMITS	REGISTRATION	79194
AIR NEW SOURCE PERMITS	REGISTRATION	79866
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50188
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 30, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2001 to August 30, 2006

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

Name: Daniel Siringi Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

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

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

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

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

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with PM10, SO2 and NOx emission limits.

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4

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

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

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

Classification: Moderate

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

Rqmt Prov: SC 9 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: SC 9 PERMIT

Description: Failed to prevent unauthorized emissions which created a nuisance condition.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.7(a)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 116, SubChapter G 116.721(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: SC 10H PERMIT

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

Classification: Minor

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

Rqmt Prov: SC 1-2 PERMIT
SC 14 PERMIT

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

Effective Date: 06/03/2002 ADMINORDER 2001-1062-AIR-E

Classification: Moderate

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

Description: Failure to conduct monthly monitoring of the VOC associated with cooling tower water after discovering a leak.

Classification: Moderate

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

Description: Failure to perform daily spans for the CRU4 combined Heater Stack (EPNSCRU4-1) SO2,and NOx CEMS. The CRU4 Heater stack CEMS were not spanned daily on 11/17,18,19,22,23,24,29&30. 12/20, 21, 22, & 28, 1999 and 7/18 and 19, 2000.

Classification: Moderate

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

Rqmt Prov: SCIII-9 PERMIT

Description: Failure to maintain the coke moisture at a level of 8.0 percent or greater. The coke moisture was 7.65 on April 13, 2000.

Classification: Moderate

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

Rqmt Prov: SCIV-2B PERMIT

Description: Failure to perform daily spans for the FCCU3 CO Boiler Stack, SO2, CEMS. The SO2 CEMS was not spanned daily on 12/13/99, 7/3,5,10 and 11/27,29, 30 and 12/1,4,5,6 and 27, 2000.

Classification: Moderate

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

Rqmt Prov: SC XII-6B PERMIT

Description: Failure to maintain records of repairs and replacements due to H2S leaks at the Sulfur Complex. Beginningi 9/2000, the Sulfur Complex began maintaining daily environmental records that indicate if a problem had been found, but do not include repair.

Classification: Moderate

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

Rqmt Prov: SC XII-17 PERMIT

Description: Failure to maintain at least 13 feet of amine product in the charge tanks 1686 (renamed 1898) at any given time. Tank 1898 had a tank level of 12 feet and 7 inches on 1/2/00.

Classification: Moderate

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

Rqmt Prov: SC XII-22B PERMIT

Description: Failure to perform daily spans on the SO2, CEMS at the Tail Gas Inc. The STGTU1-1 CEMs was not spanned on 10/9, 13, 2000 and the STGTU2-1 CEMS was not spanned on December 27, 2000.

Classification: Moderate

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

Rqmt Prov: SCXIII-5 PERMIT

Description: Failure to maintain a continuous H2S monitoring system for VPS4 fuel gas. SC XIII-5 of Flex Permit 8404 requires your facility to install a conintuous H2S monitoring system in a representative portion of the fuel gas system.

Classification: Moderate

Citation: 40 CFR Part 60, Subpart J 60.105(a)(3)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SCXIII-5 PERMIT

Description: Failure to perform daily spans of the H2S CEMS at VPS4 on October 12, 1999 and October 12, and December 28, 2000.

Classification: Moderate

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

Description: Failure to maintain at least 13 ft of amine product in charge tank 1686 at any given time.

Classification: Moderate

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

Description: Failure to perform daily spans on the SO2 CEMS at the tall gas incinerator.

Classification: Moderate

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

Description: Failure to maintain a continuous hydrogen sulfide monitoring system for VPS4 fuel gas.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 117, SubChapter B 117.213(e)(1)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to perform daily spans for the applicable CEMS.

Classification: Moderate

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

Description: Failure to notify the agency w/in 24 hrs after the discovery of an upset at a chlorine cylinder.

Classification: Moderate

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

Description: Unauthorized emissions of chlorine.

Classification: Moderate

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

Description: Failure to notify the regional office no later than 24 hrs after the discovery of a reportable upset and send in a final report no later than 2 wks after the end of the upset at the alkylation unit emergency use only flare.

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with SO2 emission limit. During an upset on 3/2/01, 709 lbs of SO2 were released from the grandfathered Hydrogen Cracking Unit Flare (EPN EHCU)

Classification: Moderate

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

Description: Failure to comply with NOx, CO and VOC emission limits. During an upset that occurred February 1-5, 2001, 29 lbs of Nox, 213 lbs of CO, and 616 lbs of VOCs were released from the Catalytic Reforming Unit No. 4 emergency use only Flare (EPN ECRU4)

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with NOx and CO emission limits. During an upset on 12/5-6/2002, 22 lbs of NOx and 161 lbs of CO were released from the Hydrogen Treatment Unit No. 4 emergency-use-only Flare (EPN EHTU)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset and to provide the duration of the upset at the Hydrogen Treating Unit No. 2 with emissions sent to the Hydrogen Cracking Unit Flare (EPN EHCU).

Classification: Moderate

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

Description: Failure to comply with the VOCs, H2S, NOX, SO2, and CO emission limits. During an upset on 1/21/2001, 2227 lbs of VOCs, 18 lbs of H2S, 114 lbs of NOx 1530 lbs of SO2 and 824 lbs of CO were released to the grandfathered Hydrogen Cracking Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(c)(1)
30 TAC Chapter 101, SubChapter A 101.7(c)(3)
30 TAC Chapter 101, SubChapter A 101.7(c)(4)
30 TAC Chapter 101, SubChapter A 101.7(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include in the final record of a non-reportable maintenance activity upset on May 10, 2001, the reason for the maintenance activity, the start time of the maintenance, the duration, the actions to minimize emissions.

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

Description: Failure to prevent unauthorized emissions 7.92 lbs VOC, 0.32 lb NOx, 2.28 lbs SO2 and 2.29 lbs CO on 5/10/01 from the Hydrogen Treating Unit 4 emergency-use-only Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all required elements in the final record of a non-reportable upset on May 18, 2001 at Tank 1900. The record did not include the actions to correct the upset and minimize the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.478[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions from a pressure relief valve at Tank 1900. This tank operates under permit-by-rule and the pressure relief valve is an unpermitted source. On 5/18 2001, 340 lbs VOC and 2.36 lbs benzene were released.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all required elements in the final record of a nonreportable upset on February 12, 2001 at Tank 1900. The final record did not include the actions to correct the upset and minimize the emissions.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.478[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions from a pressure relief valve at Tank 1900. This tank operates under permit-by-rule and the pressure relief valve is an unpermitted source. On 2/12/01,

99.7 lbs VOCs were released.

Classification: Minor

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

Description: Failure to include in the final record of a non-reportable upste the cause of an upset that occurred on February 10, 2001 at the emergency-use-only ECRU Flare (EPN ECRU 4).

Classification: Moderate

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

Rqmt Prov: SC9 PERMIT

Description: Failure to comply with VOC, NOx, SO2, and CO emission limits. During an upset on 2/10/01, 75 lbs of VOCs, 4 lbs of NOx, 0.006 lbs of SO2 and 28 lbs of CO were released from the emergency-use-only ECRU Flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.7(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Filaure to submit a copy of the final record to the agency for unauthorized emissions which exceeded the reportable quantity and differed from the original estimate during a maintenance activity on March 12, 2001 at the West Side Gas Plant.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions from Tanks 1243, 1530, 1617, 1850, 1884 and 21602. These tanks operate under Standard Exemption 86 and are non-permitted sources. On 3/12/01, 8046.2 lbs of hydrocarbons were released from these tanks.

Classification: Moderate

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

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset at the FCCU3 emergency-use-only flare. An upset notification was received on 7/28/2000 at 12:30 pm for an upset which began on 7/24/2000 at 7 am.

Classification: Moderate

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

Description: FAiulre to comply with SO2 emission limits. During an upset on July 24-27, 2000, 638.4 lbs of S)2 released from the Fluid Catalytic Cracking Unit No. 3 emergency-use-only Flare.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter A 101.7(c)(3)
30 TAC Chapter 101, SubChapter A 101.7(c)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify in the final report of a non-reportable upset the start time of the maintenance and the duration of a maintenance event that resulted in emissions from the grandfathered Hydrogen Cracking Unit on 12/4/00.

Classification: Moderate

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

Rqmt Prov: SC 9 PERMIT

Description: Failure to comply with VOC, NOx and CO emission limits. During an upset on December 4, 2000, 0.013 lbs of VOCs, 0.0014 lbs of NOx and 0.0098 lbs of CO were released from the grandfathered Hydrogen Cracking Unit (EPN EHCU)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify the action to minimize emissions in the final record of a maintenance event on Dec 17 2000 that resulted in non-reportable upset emissions to the Alkylation Unit emergency-use-only Flare (EPN FCCU1 and 2).

Classification: Moderate

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

Description: Failure to comply with the NOX and CO emission limits of zero as required.

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 8404, SC 9 PERMIT

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 8404 Special Condition 9 PERMIT

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

Classification: Moderate

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

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

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

N/A

1	11/22/2002	(158333)
2	07/29/2002	(5044)
3	04/03/2003	(27121)
4	05/27/2003	(48708)
5	07/18/2002	(2651)
6	12/27/2001	(158336)
7	07/01/2003	(38152)
8	12/23/2002	(158337)
9	01/03/2003	(19049)
10	05/27/2004	(268908)
11	01/31/2005	(347748)
12	10/13/2003	(248076)
13	04/08/2004	(264185)
14	05/05/2004	(270556)
15	05/22/2006	(459051)
16	05/03/2006	(453610)
17	01/15/2003	(20157)
18	01/24/2006	(439307)
19	01/24/2002	(158340)
20	09/15/2005	(398731)
21	08/27/2002	(5075)

22	01/22/2003	(158341)
23	07/13/2006	(481868)
24	04/03/2003	(27201)
25	06/21/2004	(264256)
26	11/05/2002	(15578)
27	08/25/2006	(466256)
28	04/03/2003	(27056)
29	04/27/2005	(340352)
30	02/15/2006	(450083)
31	12/02/2003	(34076)
32	12/12/2003	(254380)
33	11/05/2002	(15592)
34	02/18/2004	(260152)
35	05/25/2004	(267857)
36	11/22/2004	(341148)
37	11/23/2004	(338625)
38	08/28/2003	(28999)
39	11/05/2002	(15599)
40	07/29/2002	(4988)
41	12/02/2005	(418595)
42	09/15/2005	(398732)
43	09/09/2003	(247671)
44	01/09/2006	(438168)
45	04/08/2004	(264558)
46	03/15/2006	(498184)
47	05/25/2004	(267858)
48	04/04/2003	(26233)
49	05/12/2006	(498185)
50	04/08/2002	(IE0000669010001)
51	09/15/2005	(398734)
52	07/29/2002	(5026)
53	06/20/2006	(498186)
54	01/09/2006	(438169)
55	08/01/2002	(3684)
56	11/08/2004	(336153)
57	12/13/2004	(343042)
58	03/29/2006	(454264)
59	09/15/2005	(398735)
60	03/28/2006	(454259)
61	11/09/2005	(436494)
62	01/03/2003	(19048)
63	01/09/2006	(438170)
64	07/29/2002	(4999)
65	12/18/2002	(19046)
66	08/23/2005	(399864)
67	02/10/2005	(348671)
68	06/17/2003	(61544)
69	02/18/2004	(295430)
70	03/27/2003	(26230)
71	01/09/2006	(438171)
72	12/31/2003	(258590)
73	04/14/2006	(454439)
74	01/27/2006	(440026)
75	02/22/2005	(381860)
76	01/24/2006	(439304)
77	02/06/2004	(284347)
78	04/08/2004	(264559)
79	01/27/2006	(440027)
80	12/22/2004	(339617)
81	01/09/2006	(438173)
82	03/22/2004	(295432)
83	01/27/2006	(440028)
84	02/22/2002	(158301)
85	04/23/2004	(295433)
86	12/11/2003	(252519)
87	08/31/2005	(374623)
88	05/25/2004	(267860)
89	07/07/2004	(272293)

90	07/29/2002	(5037)
91	02/16/2006	(440030)
92	03/28/2006	(454260)
93	01/09/2006	(438174)
94	05/22/2003	(295435)
95	12/31/2003	(258591)
96	02/18/2003	(158302)
97	11/08/2004	(336154)
98	12/06/2005	(436191)
99	04/03/2003	(27066)
100	10/13/2003	(248091)
101	05/19/2004	(295436)
102	11/22/2004	(341153)
103	12/02/2005	(435832)
104	12/22/2003	(252520)
105	04/03/2003	(27131)
106	03/18/2002	(158304)
107	06/28/2004	(295438)
108	03/21/2003	(158305)
109	07/23/2003	(40816)
110	08/31/2005	(343681)
111	01/24/2005	(346789)
112	01/09/2006	(438165)
113	06/16/2006	(465963)
114	07/17/2003	(295440)
115	01/06/2003	(19050)
116	07/22/2004	(295441)
117	11/07/2002	(16202)
118	04/02/2004	(249785)
119	02/18/2005	(344919)
120	07/19/2005	(377532)
121	07/29/2002	(4874)
122	07/29/2002	(5072)
123	10/13/2004	(286696)
124	05/20/2005	(381148)
125	10/13/2004	(286697)
126	08/24/2004	(352156)
127	08/18/2003	(295443)
128	10/13/2004	(286698)
129	04/23/2002	(158309)
130	01/12/2006	(437664)
131	08/31/2004	(253278)
132	04/03/2003	(26943)
133	11/08/2004	(336156)
134	04/07/2004	(264561)
135	04/21/2003	(158310)
136	05/20/2005	(381149)
137	03/28/2006	(454262)
138	09/22/2003	(295445)
139	09/20/2004	(352157)
140	05/20/2005	(381150)
141	01/24/2006	(439306)
142	05/19/2003	(31005)
143	07/29/2002	(5079)
144	05/20/2005	(381151)
145	10/27/2003	(295447)
146	08/31/2005	(339481)
147	01/24/2006	(439308)
148	11/20/2003	(295448)
149	07/29/2002	(5004)
150	10/29/2002	(12379)
151	10/20/2004	(352158)
152	05/20/2002	(158313)
153	12/23/2003	(295449)
154	07/29/2002	(4820)
155	07/24/2006	(482945)
156	01/16/2004	(295451)
157	01/03/2003	(19047)

158	11/19/2004	(352159)
159	03/29/2006	(454263)
160	06/23/2005	(381154)
161	04/08/2004	(264246)
162	04/03/2003	(27183)
163	02/14/2003	(19679)
164	12/17/2004	(352160)
165	06/19/2002	(158316)
166	07/24/2006	(466418)
167	01/22/2003	(18888)
168	01/06/2005	(343526)
169	03/24/2004	(251592)
170	12/30/2003	(256359)
171	06/19/2003	(158317)
172	03/23/2005	(346655)
173	01/24/2006	(439305)
174	11/05/2002	(15594)
175	07/17/2006	(455987)
176	05/16/2006	(464801)
177	04/08/2004	(264233)
178	08/01/2005	(395622)
179	09/20/2004	(352161)
180	10/16/2003	(248607)
181	11/22/2004	(341149)
182	06/24/2005	(419689)
183	04/08/2004	(264250)
184	08/09/2002	(5590)
185	07/22/2002	(158320)
186	04/22/2005	(419690)
187	04/06/2004	(267670)
188	05/23/2005	(419691)
189	11/05/2002	(15561)
190	06/21/2005	(419692)
191	11/22/2004	(341150)
192	04/01/2005	(341733)
193	04/22/2005	(419693)
194	08/16/2002	(158323)
195	10/13/2003	(248609)
196	11/08/2004	(336149)
197	10/16/2003	(248083)
198	11/05/2002	(15959)
199	02/07/2006	(437317)
200	09/21/2001	(158325)
201	12/30/2003	(256360)
202	04/07/2004	(264562)
203	01/09/2006	(438161)
204	11/22/2004	(341152)
205	08/01/2005	(395623)
206	09/20/2002	(158326)
207	06/30/2005	(381062)
208	02/22/2006	(468420)
209	12/30/2003	(256361)
210	10/29/2002	(12376)
211	08/19/2005	(440827)
212	04/13/2006	(468421)
213	10/17/2001	(158328)
214	01/09/2006	(438167)
215	01/09/2006	(438163)
216	09/23/2005	(440828)
217	04/13/2006	(468422)
218	08/01/2002	(5527)
219	10/21/2002	(158329)
220	07/29/2002	(5018)
221	04/01/2005	(341734)
222	10/24/2005	(440829)
223	11/18/2005	(468423)
224	04/08/2004	(264242)
225	09/23/2005	(440830)

226 12/13/2004 (343131)
227 12/27/2005 (468424)
228 05/16/2006 (464788)
229 08/26/2002 (6828)
230 04/06/2004 (267580)
231 05/22/2002 (392418)
232 11/20/2001 (158332)

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

Date: 10/31/2001 (158332)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2001 (158336)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/19/2003 (31005)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Rqmt Prov: OP IA
Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Rqmt Prov: OP IA
Description: Failure by the permittee to maintain adequate records of monitoring activities.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OP IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OP IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OP IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OP IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 05/22/2002 (392418)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/28/2005 (371586)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:

PERMIT IA

Description: Failure to maintain the SO2 concentration below the maximum allowable limit.

Date: 07/24/2003 (40816)

Self Report? NO Classification: Moderate

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

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

Date: 04/17/2006 (454439)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

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

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

Date: 02/10/2005 (348671)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

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

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT IA

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

Date: 01/31/2004 (295430)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 01/31/2005 (381860)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 01/31/2002 (158301)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 04/30/2003 (295435)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 01/20/2005 (344919)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.222(3)

30 TAC Chapter 115, SubChapter C 115.242(4)

Description: Failure to ensure no gasoline leaks exist anywhere on the dispensing equipment or vapor recovery system.

Date: 04/30/2002 (158313)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

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

Date: 12/23/2003 (252520)

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

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

Date: 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: 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

F. Environmental audits.

N/A

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.

Clean Texas Gold

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. 2006-1513-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 ("Motiva") 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 Motiva appear before the Commission and together stipulate that:

1. Motiva owns and operates a petroleum refinery at 2100 Houston 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 Motiva agree that the Commission has jurisdiction to enter this Agreed Order, and that Motiva is subject to the Commission's jurisdiction.

4. Motiva received notice of the violations alleged in Section II ("Allegations") on or about August 30, 2006.

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

6. An administrative penalty in the amount of Three Hundred Sixty-Eight Thousand Four Hundred Forty-Five Dollars ($368,445) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Motiva has paid One Hundred Forty-Seven Thousand Three Hundred Seventy-Eighty Dollars ($147,378) of the administrative penalty and Seventy-Three Thousand Six Hundred Eighty-Nine Dollars ($73,689) is deferred contingent upon Motiva'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 Motiva fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive

Director may require Motiva to pay all or part of the deferred penalty. One Hundred Forty-Seven Thousand Three Hundred Seventy-Eight Dollars ($147,378) shall be conditionally offset by Motiva's completion of a Supplemental Environmental Project ("SEP").

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 Motiva 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 Motiva has implemented the following corrective measures at the Plant:

   a. Obtained authorization for carbon monoxide ("CO") emissions from the Methyl Perrolidone Unit ("MPU") No. 3 Extract Heater (EPN SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN SMPU3-1) by amendment to Air Permit 8404 effective November 15, 2006;

   b. Obtained authorization in the amendment to Air Permit 8404 effective November 15, 2006 to allow for logos, slogans and similar displays which are not painted white to be allowed on up to 15% of the uninsulated exterior tank surfaces;

   c. Posted permanent and conspicuous operating procedures on Degreasing Units and replaced Degreaser Unit 9 with a model that meets requirements, as reported to the TCEQ in a letter dated March 25, 2005;

   d. Conducted awareness training on November 1, 2006 to ensure that records of repair monitoring are kept;

   e. Conducted awareness training on November 9, 2006 to ensure proper procedures are followed regarding open-ended lines being equipped with a cap, blind flange or second valve; and

   f. Added all new fugitive monitoring components into the database and conducted monitoring on December 23, 2005.

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 Motiva 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, Motiva is alleged to have:

1. Failed to obtain authorization for the CO emissions from the MPU No. 3 Extract Heater (EPN SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN SMPU3-1), in violation of 30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006. On the 2004 emissions inventory 2.3849 tons and 0.1186 tons of CO were reported from these EPNs; however, CO is not authorized for these EPNs by Flexible Permit No. 8404.

2. Failed to comply with the permitted Maximum Allowable Emission Rate Table ("MAERT") limits by emitting 15.82 tons of Particulate Matter ("PM") and 4.8215 tons of Volatile Organic Compounds ("VOCs") in 2004 and 4.5212 tons of VOCs in 2005, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7), 122.143(4), Air Permit No. 8404, Special Condition 9 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006. Specifically, the following unauthorized emissions were documented on emissions inventory reports: 2.47 tons, 2.39 tons and 11.06 tons of PM10 were emitted from Vacuum Pipe Still Number 4 ("VPS4") Vacuum Heater A (EPN SVPS4-5), VPS4 Vacuum Heater B (EPN SVSP4-6) and VPS4 Common Heater Stack (EPN SVSP4-7), respectively, and 8.2216 tons and 1.1211 tons of VOCs from Tank 1094 (EPN TML01904) and Tank 1728 (EPN TST01728), respectively.

3. Failed to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526 and 14824, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), Air Permit No. 8404, Special Condition 6F, Federal Operating Permit ("FOP") No. O-01386, General Terms and Conditions and Special Condition 16A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006.

4. Failed to timely report 12 deviations that occurred during the three semi-annual reporting periods of October 7, 2004 through April 6, 2005; April 7, 2005 through October 6, 2005; and October 7, 2005 through April 6, 2006, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP No. O-01386, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006. Additionally, two of these reports were missing other information: corrective action was not included for a deviation (identified as Deviation Number 95) in the semi-annual deviation report for the period of October 7, 2004 through April 6, 2005 or for a deviation (identified as Deviation Number 98) in the deviation report for the period of October 7, 2005 to April 6, 2006.

5. Failed to properly operate facility degreasing units, in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(C), (E) and (2)(A), 122.143(4), FOP No. O-01386, General Terms and Conditions and Special Condition 17 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006. Specifically, Motiva had degreased porous or absorbent materials (rags) in Degreasing Units 1 and 2 and failed to operate Degreasing Units 1-9 with a permanent and conspicuous label posted on or near the degreasers summarizing proper operating procedures to minimize emissions. Also, Degreaser Unit 9 operated with a drain area greater than 16 square inches.

6. Failed to maintain a record of the repair monitoring for a leaking flange on a gasoline blender as reported on the October 7, 2004 through April 6, 2005 semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 115.356(2)(E)(v), 122.143(4), FOP No. O-01386, General Terms and Conditions and Special Condition 1A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006.

7. Failed to equip the end of 67 open-ended lines with a cap, plug, blind flange, or second valve at the Delayed Coking Unit ("DCU"), Light Oil Treating Area ("LOTA"), North Side Gas Plant ("NSGP"), Pumphouse 57 ("PH57"), Vacuum Pipe Still Number 2 ("VPS2"), Loading Rack 4 ("LR4"), Catalytic Reforming Unit Number 4 ("CRU4"), Alkylation Unit ("ALKY"), Fluid Catalytic Cracking Unit Number 3 ("FCCU#3"), Hydrogen Cracking Unit ("HCU"), VPS4, Hydrotreating Unit Number 3 ("HTU3"), and Pumphouse 27 ("PH27") as documented in the semi-annual deviation report for the period of October 7, 2005 through April 6, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 133.340, 116.715(a), 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") 60.592(a), Air Permit No. 8404, Special Conditions 10E, 11E, 14, 16, 20, 23, 38 and 56, FOP O-01386, Special Conditions 1A and 16A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006.

8. Failed to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift after hydrocarbons were discovered at the 15-foot level of Amine Charge Tank 1898 on September 7, 2005, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), Air Permit No. 8404, Special Condition 79, FOP O-01386, Special Condition 16A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006.

9. Failed to maintain a record of fugitive monitoring components 19992, 19993 and 19994 in the fugitive monitoring database, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 113.340, 122.143(4), 40 CFR § 60.592(e), FOP O-01386, General Terms and Special Condition 1A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Motiva pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Motiva'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. 2006-1513-AIR-E" to:

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

2. Motiva shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, One Hundred Forty-Seven Thousand Three Hundred Seventy-Eight Dollars ($147,378) of the assessed administrative penalty shall be offset with the condition that Motiva implement the SEP defined in Attachment A, incorporated herein by reference. Motiva'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 Motiva shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Demonstrate compliance with emission rates for PM and VOCs being maintained at EPN SVPS4-5, EPN SVSP4-6, EPN SVSP4-7, EPN TML 01904 and EPN TST01728, in accordance with Air Permit 8404;

      ii. Report deviations not previously reported or inadequately reported on the semi-annual deviation reports for FOP O-01386 for the periods of October 7, 2004 through April 6, 2005; April 7, 2005 through October 6, 2005 and October 7, 2005 through April 6, 2006; and

      iii. Implement procedures to ensure daily hand gauging and hydrocarbon checks after hydrocarbons are discovered at the 15-foot level in Amine Charge Tanks, in accordance with Air Permit No. 8404.

   b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a.i. - 3.a.iii. 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 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 obtaining 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 fines 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 Quality Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon Motiva. Motiva 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 Motiva fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Motiva's failure to comply is not a violation of this Agreed Order. Motiva shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Motiva shall notify the Executive Director within seven days after Motiva becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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 Motiva shall be made in writing to the Executive Director. Extensions are not effective until Motiva receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Motiva in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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 Motiva, or three days after the date on which the Commission mails notice of the Order to Motiva, 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

_____ 4/6/2008
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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

_____ 3/19/2008
Signature Date

JAMES RHANE
Todd Monette
Name (Printed or typed)
Authorized Representative of
Motiva Enterprises, LLC

General Manager
Title

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

Attachment A
Docket Number: 2006-1513-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises, LLC**
Payable Penalty Amount:	**Two Hundred Ninety-Four Thousand Seven Hundred Fifty-Six Dollars ($294,756)**
SEP Amount:	**One Hundred Forty-Seven Thousand Three Hundred Seventy-Eight Dollars ($147,378)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Jefferson County-Southeast Texas Regional Air Monitoring Network**
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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. SEP monies will be used to pay for the labor and materials costs associated with maintaining, repairing, and replacing the existing air monitoring stations at the seven sites.

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 measuring ozone and nitrogen oxide at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. This data is accessible to TCEQ and the public. Continued monitoring will help TCEQ and local government better respond to citizen's questions about public health as it relates to air quality and will enable TCEQ to better identify emission sources.

C. Minimum Expenditure

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:

The Honorable Carl R. Griffith, Jr.
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

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.