EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1954-AIR-E **TCEQ ID:** RN100218130 **CASE NO.:** 35062

RESPONDENT NAME: Houston Refining LP

ORDER TYPE:		
_1660 AGREED ORDER	X 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: Lyondell-Citgo Refining, 12000 Lawndale Street, Houston, Harris 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 Numbers 2007-0473-AIR-E, 2007-0780-IWD-E, 2007-1069-AIR-E, and 2007-1836-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 April 7, 2008. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. James B. Roecker, Divisional Vice President, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252-2451
Mr. Philip J. Oberbroeckling, P.E., Manager, Environmental & DOT Affairs, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252-2451

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 ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Record Review Relating to this Case:** November 6, 2007 **Date of NOE Relating to this Case:** December 4, 2007 (NOE) **Background Facts:** This was a routine record review. **AIR** Failure to prevent unauthorized emissions. Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.715(c), TCEQ Permit No. 2167, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $20,000 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $10,000 **Total Paid to General Revenue:** $10,000 **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 **Findings Orders Justification:** This is a Findings Order because the Respondent release unauthorized emissions during an excessive emissions event.	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has lowered the process variable high alarm setpoint to 270 pounds per square inch gauge. **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 require the Respondent to: a) Within 30 days after the effective date of this Agreed Order: i. Reconfigure the PC0042 pressure tap/transmitter assembly and tubing to prevent plugging; and ii. Complete a full assessment of alarm setpoints in the fluid catalytic cracking unit gas plant and modify alarm points as needed to provide the Console Operator with more notification. b) Comply with the TCEQ request letter dated December 4, 2007 for submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred on October 24, 2007; c) Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing; d) Upon Commission approval, implement the CAP in accordance with the approved scheduled; e) Upon completion of CAP implementation, submit written certification to demonstrate compliance

		with Ordering Provision Nos. 3.b. and 3.d. as described in Ordering Provision No. 3.f.; and f) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

Additional ID No(s).: HG0048L

Attachment A
Docket Number: 2007-1954-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Houston Refining LP**
Payable Penalty Amount:	**Twenty Thousand Dollars ($20,000)**
SEP Amount:	**Ten Thousand Dollars ($10,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision November 6, 2007*

TCEQ

DATES						
Assigned	5-Dec-2007					
PCW	10-Dec-2007	Screening	6-Dec-2007	EPA Due	30-Aug-2008	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	35062	No. of Violations	2
Docket No.	2007-1954-AIR-E	Order Type	Findings
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **375%** Enhancement *Subtotals 2, 3, & 7* **$56,250**

Notes: Penalty enhancement due to 10 NOVs for the same or similar violations, 12 NOVs for unrelated violations (which includes six months of self-reported effluent violations), five agreed orders with denial of liability, seven agreed orders without denial of liability, and one Court Order. Penalty reduction due to four Notices of Audit submitted.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$485
Approx. Cost of Compliance	$13,500

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$71,250**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$71,250**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$20,000**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$20,000**

Screening Date 6-Dec-2007 **Docket No.** 2007-1954-AIR-E **PCW**

Respondent Houston Refining LP *Policy Revision 2 (September 2002)*

Case ID No. 35062 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	10	50%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	7	175%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

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

Adjustment Percentage (Subtotal 2) 375%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 10 NOVs for the same or similar violations, 12 NOVs for unrelated violations (which includes six months of self-reported effluent violations), five agreed orders with denial of liability, seven agreed orders without denial of liability, and one Court Order. Penalty reduction due to four Notices of Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 375%

Screening Date 6-Dec-2007 **Docket No.** 2007-1954-AIR-E **PCW**

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35062

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 115.722(c)(1) and 116.715(c); TCEQ Permit No. 2167, Special Condition No. 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an October 24, 2007 emissions event. Specifically, 19,715 pounds ("lbs") of the Highly Reactive Volatile Organic Compound ("HRVOC") Propylene was released from two pressure safety valves in the 732 Fluid Catalytic Cracking Unit ("FCCU") during an emissions event that began on October 24, 2007 and lasted for 23 minutes (Incident No. 99225). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation. The quantity of Propylene emissions released during the emissions event exceeded the TCEQ HRVOC one-hour emissions cap.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $485

Statutory Limit Test

Violation Final Penalty Total $47,500

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

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35062
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				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)	$13,500	24-Oct-2007	12-Jul-2008	0.7	$485	n/a	$485

Notes for DELAYED costs: Estimated cost to reconfigure the PC0042 pressure tap/transmitter assembly and tubing to prevent plugging and to conduct a full assessment of alarm setpoints and make any necessary modifications. Date required is the date of the emissions event. Final date is the projected 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: $13,500

TOTAL: $485

Screening Date 6-Dec-2007 **Docket No.** 2007-1954-AIR-E **PCW**

Respondent Houston Refining LP *Policy Revision 2 (September 2002)*

Case ID No. 35062 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.715(c); TCEQ Permit No. 2167, Special Condition No. 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an October 24, 2007 emissions event. Specifically, 5,967 lbs of Propane, 211 lbs of Hydrogen Sulfide, 182 lbs of Isobutane, and 28 lbs of Volatile Organic Compounds were released from two pressure safety valves in the 732 Fluid Catalytic Cracking Unit ("FCCU") during an emissions event that began on October 24, 2007 and lasted for 23 minutes (Incident No. 99225). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Screen3 Modeling predicted the fence line ambient air concentrations of Hydrogen Sulfide would be above the TCEQ 30-minute State Property Line Standard.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $23,750

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

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 35062
Reg. Ent. Reference No. RN100218130
Media Air
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)				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	See Economic Benefit for Violation No. 1.						
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

Compliance History

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

ID Number(s):

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

Location: 12000 LAWNDALE ST # ST14, HOUSTON, TX, 77017 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 07, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 07, 2002 to December 07, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

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

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

Components (Multimedia) for the Site :

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

Effective Date: 08/07/2003 ADMINORDER 2002-1040-AIR-E

Classification: Moderate

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

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

Effective Date: 12/05/2003 COURTORDER

Classification: Major

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

Rqmt Prov: SC 1 PERMIT

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

Effective Date: 07/01/2004 ADMINORDER 2003-1418-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

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

Effective Date: 04/10/2005 ADMINORDER 2004-0866-AIR-E

Classification: Moderate

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

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

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

Effective Date: 08/07/2005 ADMINORDER 2004-2002-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

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

Effective Date: 12/15/2005 ADMINORDER 2005-1172-AIR-E

Classification: Moderate

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

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

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006 ADMINORDER 2005-0754-AIR-E

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2006 ADMINORDER 2005-0359-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #2 PA
Flexible Permit #2167, SC#26 PA

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: Special Condition 47 PERMIT

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

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

Classification: Moderate

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

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

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

Description: Failed to prevent unauthorized emissions.

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

Classification: Moderate

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

Rqmt Prov: No. 2167, SC #1 PERMIT

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

Classification: Moderate

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

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

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

Effective Date: 08/10/2007 ADMINORDER 2007-0440-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 10/04/2007 ADMINORDER 2007-0713-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,830 lbs of SO2 from the Sulfur Recomvery Complex during an avoidable emissions event that began April 3, 2007

and lasted one hour and 30 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Minor

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/16/2002	(156210)
2	01/06/2003	(10859)
3	01/13/2003	(156214)
4	02/18/2003	(24723)
5	02/20/2003	(156176)
6	03/10/2003	(156179)
7	03/21/2003	(27575)
8	04/08/2003	(156183)
9	04/21/2003	(29841)
10	05/13/2003	(294606)
11	06/16/2003	(294608)
12	07/07/2003	(294610)
13	07/31/2003	(35420)
14	08/04/2003	(144785)
15	08/06/2003	(144511)
16	08/12/2003	(294612)
17	08/18/2003	(112865)
18	09/10/2003	(294614)
19	10/14/2003	(294616)
20	11/07/2003	(21204)
21	11/12/2003	(294617)
22	12/16/2003	(294618)
23	01/05/2004	(252510)
24	01/08/2004	(294619)
25	01/30/2004	(258069)
26	02/03/2004	(252543)
27	02/09/2004	(294599)
28	02/23/2004	(4691)
29	02/24/2004	(263274)
30	02/29/2004	(262038)
31	03/09/2004	(294603)
32	04/16/2004	(294604)
33	05/14/2004	(264609)
34	05/20/2004	(351815)
35	05/27/2004	(143412)
36	06/14/2004	(351816)
37	07/22/2004	(351817)
38	08/11/2004	(286666)
39	08/11/2004	(288389)
40	08/11/2004	(287948)
41	08/16/2004	(260979)
42	08/16/2004	(260585)
43	08/16/2004	(351818)
44	08/19/2004	(261725)
45	08/24/2004	(271493)

46	08/31/2004	(271505)
47	08/31/2004	(289666)
48	08/31/2004	(292409)
49	09/01/2004	(276631)
50	09/15/2004	(351819)
51	10/15/2004	(282886)
52	10/18/2004	(351820)
53	10/19/2004	(335898)
54	10/19/2004	(336015)
55	11/11/2004	(290238)
56	11/11/2004	(292704)
57	11/11/2004	(291091)
58	11/14/2004	(271509)
59	11/18/2004	(340059)
60	11/18/2004	(351821)
61	11/22/2004	(341679)
62	12/03/2004	(269989)
63	12/07/2004	(341250)
64	12/09/2004	(342162)
65	12/14/2004	(342195)
66	12/16/2004	(285369)
67	12/27/2004	(351822)
68	12/28/2004	(278159)
69	01/18/2005	(381702)
70	01/28/2005	(345654)
71	02/02/2005	(347718)
72	02/15/2005	(381700)
73	03/16/2005	(347527)
74	03/21/2005	(381701)
75	03/29/2005	(375273)
76	04/14/2005	(376977)
77	04/14/2005	(372794)
78	04/18/2005	(419493)
79	04/19/2005	(376798)
80	04/22/2005	(349552)
81	05/02/2005	(372107)
82	05/03/2005	(376226)
83	05/20/2005	(381195)
84	05/24/2005	(419494)
85	05/25/2005	(379525)
86	05/26/2005	(337173)
87	05/26/2005	(349881)
88	06/07/2005	(395018)
89	06/20/2005	(419495)
90	06/21/2005	(379593)
91	07/07/2005	(379524)
92	07/22/2005	(400281)
93	07/25/2005	(419496)
94	08/15/2005	(404916)
95	08/18/2005	(404363)
96	08/18/2005	(404331)
97	08/24/2005	(405604)
98	08/24/2005	(405556)
99	08/24/2005	(440650)
100	08/25/2005	(404773)
101	09/19/2005	(440651)
102	10/10/2005	(431795)
103	10/10/2005	(468144)
104	10/28/2005	(432450)
105	10/31/2005	(432333)
106	11/07/2005	(468145)
107	11/23/2005	(435308)
108	12/02/2005	(431511)
109	12/28/2005	(434541)
110	01/19/2006	(468146)
111	02/01/2006	(468142)
112	02/25/2006	(456998)
113	02/25/2006	(457020)

114	02/25/2006	(457004)
115	02/28/2006	(457235)
116	03/17/2006	(468143)
117	04/10/2006	(498011)
118	04/20/2006	(437368)
119	04/27/2006	(439800)
120	05/10/2006	(498012)
121	05/31/2006	(480504)
122	05/31/2006	(480500)
123	05/31/2006	(480503)
124	05/31/2006	(480506)
125	05/31/2006	(480494)
126	06/14/2006	(479843)
127	06/15/2006	(498013)
128	06/15/2006	(481316)
129	06/15/2006	(461559)
130	06/29/2006	(458901)
131	06/30/2006	(469140)
132	07/17/2006	(485790)
133	07/26/2006	(520029)
134	07/28/2006	(463199)
135	08/08/2006	(489220)
136	08/11/2006	(520030)
137	08/18/2006	(396831)
138	09/11/2006	(574927)
139	09/11/2006	(489202)
140	10/06/2006	(489212)
141	10/12/2006	(544276)
142	10/30/2006	(511654)
143	11/21/2006	(544277)
144	12/11/2006	(574928)
145	01/08/2007	(574929)
146	01/09/2007	(532009)
147	01/25/2007	(512685)
148	02/02/2007	(435323)
149	02/02/2007	(511662)
150	02/05/2007	(536476)
151	02/08/2007	(512678)
152	02/16/2007	(574922)
153	02/22/2007	(510814)
154	02/23/2007	(511980)
155	03/16/2007	(574923)
156	03/21/2007	(539194)
157	03/21/2007	(539188)
158	03/21/2007	(539192)
159	04/04/2007	(554793)
160	04/04/2007	(554809)
161	04/13/2007	(574924)
162	04/20/2007	(556941)
163	04/24/2007	(557537)
164	04/30/2007	(554360)
165	05/04/2007	(556720)
166	05/09/2007	(554980)
167	05/15/2007	(574925)
168	05/29/2007	(559572)
169	06/14/2007	(574926)
170	07/03/2007	(563761)
171	07/20/2007	(561274)
172	07/25/2007	(566621)
173	08/13/2007	(601490)
174	08/17/2007	(570286)
175	08/23/2007	(570387)
176	08/28/2007	(570635)
177	09/07/2007	(573978)
178	09/14/2007	(601491)
179	09/27/2007	(595742)
180	10/10/2007	(594976)
181	10/17/2007	(567541)

182 10/18/2007 (566919)
183 10/19/2007 (598478)
184 10/25/2007 (596179)
185 11/09/2007 (599574)
186 12/04/2007 (600555)

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

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

Date: 02/03/2004 (252543)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT 2167, Special Condition #1
Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.

Date: 02/29/2004 (262038)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT #2167, SC #1
Description: Lyondell exceeded permit limits during an emissions event.

Date: 05/14/2004 (264609)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Permit #2167, Special Condition #1
Description: Exceeded VOC permit limit during an emissions event.

Date: 08/16/2004 (260585)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 2167, SC #1
Description: Exceeded VOC permit limit during an avoidable emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to submit an administratively complete final emissions event report.

Date: 08/16/2004 (260979)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to comply with emissions events reporting requirements.

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

Date: 11/14/2004 (271509)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible No. 2167 and PSD-TX-985, S.C. 1
Description: Exceeded VOC permit limits during an avoidable emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Failure to submit a final report within 14 days of the end of an emissions event.

Date: 11/30/2004 (351822)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/09/2004 (342162)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PA Special Conditon #1
Description: Failure to control unauthorized emissions.
Date: 05/02/2005 (372107)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.
Date: 05/26/2005 (379525)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to control knockout pot level on south compressor.
Date: 07/06/2005 (379524)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 15E
Description: Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Special Condition 15E
Description: Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.
Date: 07/31/2005 (440650)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 06/13/2006 (479843)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC #1
Description: Lyondell failed to prevent the "Y Train" from overpressuring.
Date: 06/30/2006 (520029)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2006 (520030)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 08/01/2006 (463199)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: PA 2167 and PSD-TX-985, SC 15E
Description: Failure to cap/plug open-ened line

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
Description: Leaking plug associated with valve #802412.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Rqmt Prov: PA 2167 and PSD-TX-985, SC 15F
Description: Failure to monitor valves
Date: 08/09/2006 (489220)

Self Report? NO Classification: Moderate

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

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

Description: Failure to prevent the disconnection of a pressure indication instrument.

Date: 08/18/2006 (396831)

Self Report? NO Classification: Moderate

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

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

Description: The RE failed to prevent unauthorized emissions from a leaking pipe.

Date: 10/31/2006 (544277)

Self Report? YES Classification: Moderate

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

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

Date: 08/31/2007 (601491)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

F. Environmental audits.

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

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

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

Notice of Intent Date: 10/04/2007 (598208)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
HOUSTON REFINING LP	§	
RN100218130	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1954-AIR-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 12000 Lawndale Street in Houston, Harris County, Texas (the "Plant").

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

3. During a record review on November 6, 2007, TCEQ staff documented that during an emissions event that began on October 24, 2007 and lasted for 23 minutes (Incident No. 99225), the Respondent released the following emissions from two pressure safety valves in the 732 Fluid Catalytic Cracking Unit ("FCCU"):

   a. 19,715 pounds ("lbs") of the Highly Reactive Volatile Organic Compound ("HRVOC") Propylene; and

   b. 5,967 lbs of Propane, 211 lbs of Hydrogen Sulfide, 182 lbs of Isobutane, and 28 lbs of Volatile Organic Compounds.

4. The Respondent received notice of the violations on or about December 9, 2007.

5. The Executive Director recognizes that the Respondent has lowered the process variable high alarm setpoint to 270 pounds per square inch gauge.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact Nos. 3.a. and 3.b., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1) and 116.715(c); TCEQ Permit No. 2167, Special Condition No. 1; and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable and determined to be excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Twenty Thousand Dollars ($20,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Ten Thousand Dollars ($10,000) of the administrative penalty. Ten Thousand Dollars ($10,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty Thousand Dollars ($20,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Refining LP, Docket No. 2007-1954-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Ten Thousand Dollars ($10,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The Respondent shall undertake the following technical requirements:

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

      i. Reconfigure the PC0042 pressure tap/transmitter assembly and tubing to prevent plugging; and

      ii. Complete a full assessment of alarm setpoints in the FCCU Gas Plant and modify alarm points as needed to provide the Console Operator with more notification.

   b. Comply with the TCEQ request letter dated December 4, 2007 for submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred on October 24, 2007, in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);

   c. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;

d. Upon Commission approval, implement the CAP in accordance with the approved schedule;

e. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.b. through 3.d. as described in Ordering Provision No. 3.f.; and

f. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, The Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven

days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

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

10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadler
For the Executive Director

3/7/2008
Date

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

I understand that by entering into this Agreed Order, Houston Refining LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

James B. Roecker
Signature

01/16/08
Date

James B. Roecker
Name (Printed or typed)
Authorized Representative of
Houston Refining LP

Divisional Vice President
Title

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

90/01/10

Attachment A
Docket Number: 2007-1954-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Houston Refining LP**
Payable Penalty Amount:	**Twenty Thousand Dollars ($20,000)**
SEP Amount:	**Ten Thousand Dollars ($10,000)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Texas Commission on Environmental Quality
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.