

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0389-AIR-E **TCEQ ID:** RN100209451 **CASE NO.:** 35503

RESPONDENT NAME: Motiva Enterprises LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Port Arthur Refinery, 2100 Houston Avenue, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Oil refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions, Docket Numbers 2006-1513-AIR-E and 2007-1497-AIR-E, regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Todd Monette, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: January 4, 2008</p> <p>Date of NOE Relating to this Case: February 25, 2008 (NOE)</p> <p>Background Facts: This was a routine record review:</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 1,202.5 pounds ("lbs") of butenes and 227.6 lbs of propene were released without authorization from a 6-inch butylene line starting on December 4, 2007, from 7:00 a.m. through 7:00 p.m. December 5, 2007. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(c)(7) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit O-01386, General Terms & Conditions and Special Condition 16].</p>	<p>Total Assessed: \$9,350</p> <p>Total Deferred: \$1,870 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,740</p> <p>Total Paid to General Revenue: \$3,740</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will also require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, design and implement procedures to prevent the recurrence of emissions events due to a same or similar cause; and</p> <p>b) 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. 2.a.</p>

Additional ID No(s): JE0095D

Attachment A
Docket Number: 2008-0389-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Payable Penalty Amount:	Seven Thousand Four Hundred Eighty Dollars (\$7,480)
SEP Amount:	Three Thousand Seven Hundred Forty Dollars (\$3,740)
Type of SEP:	Pre-approved
Third-Party Recipient:	South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes’ energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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 residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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.

Motiva Enterprises LLC
Agreed Order – Attachment A

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:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

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.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision January 29, 2008

DATES	Assigned	3-Mar-2008	Screening	6-Mar-2008	EPA Due	28-Nov-2008
	PCW	13-Mar-2008				

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

CASE INFORMATION			
Enf./Case ID No.	35503	No. of Violations	1
Docket No.	2008-0389-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Aaron Houston
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* **\$2,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **274%** Enhancement *Subtotals 2, 3, & 7* **\$6,850**

Notes: Penalty enhancement due to: Five (5) NOV's with same or similar violations, seventeen (17) NOV's for unrelated violations including nine (9) self-reported violations, three (3) Agreed Orders containing a denial of liability, seven (7) Agreed Orders without a denial of liability. Penalty reduction due to: five (5) letters of intended audits, having an environmental management system, and participation in a voluntary pollution reduction program.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

Total EB Amounts **\$37** **0%** Enhancement* *Subtotal 6* **\$0**
 Approx. Cost of Compliance **\$1,000** *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$9,350**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$9,350**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$9,350**

DEFERRAL **20%** Reduction *Adjustment* **-\$1,870**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$7,480**

Screening Date	6-Mar-2008	Docket No.	2008-0389-AIR-E	PCW
Respondent	Motiva Enterprises LLC			Policy Revision 2 (September 2002)
Case ID No.	35503			PCW Revision January 29, 2008
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air			
Enf. Coordinator	Aaron Houston			

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	17	34%
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	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)	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)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	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) 274%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes
 Penalty enhancement due to: Five (5) NOVs with same or similar violations, seventeen (17) NOVs for unrelated violations including nine (9) self-reported violations, three (3) Agreed Orders containing a denial of liability, seven (7) Agreed Orders without a denial of liability. Penalty reduction due to: five (5) letters of intended audits, having an environmental management system, and participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 274%

Screening Date 6-Mar-2008	Docket No. 2008-0389-AIR-E	PCW
Respondent Motiva Enterprises LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35503	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN100209451		
Media [Statute] Air		
Enf. Coordinator Aaron Houston		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(c)(7) and 122.143(4), Tex. Health & Safety Code § 382.085(b) and Federal Operating Permit O-01386, General Terms & Conditions and Special Condition 16	
Violation Description	Failed to prevent unauthorized emissions. Specifically, 1,202.5 pounds ("lbs") of butenes and 227.6 lbs of propene were released without authorization from a 6-inch butylene line starting on December 4, 2007, from 7:00 a.m. through 7:00 p.m. December 5, 2007. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		x
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$37"/>	Violation Final Penalty Total <input type="text" value="\$9,350"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,350"/>	

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 35503
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	4-Dec-2007	30-Aug-2008	0.7	\$37	n/a	\$37

Notes for DELAYED costs

Estimated cost of preventative measures that should have been in place. Date required is the date of the emissions event; final date is the estimated date corrective actions will be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$37

Compliance History

Customer/Respondent/Owner-Operator:	CN600124051	MOTIVA ENTERPRISES LLC	Classification: AVERAGE	Rating: 1.49
Regulated Entity:	RN100209451	PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 7.84
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	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	ACCOUNT NUMBER	JE0095D
AIR NEW SOURCE PERMITS	PERMIT	11297
AIR NEW SOURCE PERMITS	PERMIT	11762
AIR NEW SOURCE PERMITS	PERMIT	11777
AIR NEW SOURCE PERMITS	PERMIT	11895
AIR NEW SOURCE PERMITS	PERMIT	12059
AIR NEW SOURCE PERMITS	PERMIT	12117
AIR NEW SOURCE PERMITS	PERMIT	12482
AIR NEW SOURCE PERMITS	PERMIT	13313
AIR NEW SOURCE PERMITS	PERMIT	13358
AIR NEW SOURCE PERMITS	PERMIT	13534
AIR NEW SOURCE PERMITS	PERMIT	13693
AIR NEW SOURCE PERMITS	PERMIT	14363
AIR NEW SOURCE PERMITS	PERMIT	14273
AIR NEW SOURCE PERMITS	PERMIT	14493
AIR NEW SOURCE PERMITS	PERMIT	15403
AIR NEW SOURCE PERMITS	PERMIT	15717
AIR NEW SOURCE PERMITS	PERMIT	16025
AIR NEW SOURCE PERMITS	PERMIT	16221
AIR NEW SOURCE PERMITS	PERMIT	17522
AIR NEW SOURCE PERMITS	PERMIT	54322
AIR NEW SOURCE PERMITS	REGISTRATION	75653
AIR NEW SOURCE PERMITS	REGISTRATION	55797
AIR NEW SOURCE PERMITS	AFS NUM	4824500020
AIR NEW SOURCE PERMITS	PERMIT	56287
AIR NEW SOURCE PERMITS	PERMIT	52429
AIR NEW SOURCE PERMITS	PERMIT	52468
AIR NEW SOURCE PERMITS	REGISTRATION	75103
AIR NEW SOURCE PERMITS	REGISTRATION	77320
AIR NEW SOURCE PERMITS	REGISTRATION	77681
AIR NEW SOURCE PERMITS	REGISTRATION	77244
AIR NEW SOURCE PERMITS	REGISTRATION	77922
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062
AIR NEW SOURCE PERMITS	PERMIT	78358
AIR NEW SOURCE PERMITS	REGISTRATION	26297
AIR NEW SOURCE PERMITS	REGISTRATION	78595
AIR NEW SOURCE PERMITS	REGISTRATION	79194
AIR NEW SOURCE PERMITS	REGISTRATION	79866
AIR NEW SOURCE PERMITS	PERMIT	79866L
AIR NEW SOURCE PERMITS	REGISTRATION	81045
AIR NEW SOURCE PERMITS	REGISTRATION	81547
AIR NEW SOURCE PERMITS	REGISTRATION	82078
AIR NEW SOURCE PERMITS	REGISTRATION	82052
AIR NEW SOURCE PERMITS	REGISTRATION	82087
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50188
 COMPLIANCE PLANS
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 30121
 (SWR)

Location: 2100 HOUSTON AVE, PORT ARTHUR, TX, 77640 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: March 03, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 03, 2003 to March 03, 2008

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

Name: Aaron T. Houston Phone: (409) 899-8784

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: 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)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: SC 10E, 1-2 PERMIT
 SC 10E, 14 PERMIT
 Description: Failure to monitor 19 components discovered during the March 15 through April 8, 2002 investigation, and failure to monitor 446 components in teh Aklylation Unit during the second quarter of 2001.

Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: SC 10H PERMIT
 Description: Failure to repair two components within 15 days after discovering leaks.

Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: SC 1-2 PERMIT
 SC 14 PERMIT
 Description: Failure to include component 20761 in the Master Equipment List of identification numbers for equipment subject to monitoring requirements.

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

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

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

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

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to notify regional office no later than 24 hrs after the discovery of an excess opacity event that occurred on 10/10/02.

Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to comply with the opacity limit of 30% averaged over 6 min period on 10/10/02.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to prevent the discharge of air contaminant with such concentration and duration as to create a nuisance condition in the Port Arthur area during an emissions event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Classification: Moderate

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

Rqmt Prov: SC 9 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Effective Date: 11/06/2005

ADMINORDER 2005-0347-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 10/25/2007 ADMINORDER 2007-0203-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP

Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8404 Special Condition 9 PERMIT
O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP

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

Effective Date: 11/09/2007 ADMINORDER 2006-0613-AIR-E

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.

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition XII-13 PERMIT
8404, Special Condition XII-4 PERMIT

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

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8404, Special Condition 9 PERMIT

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

Effective Date: 02/18/2008 ADMINORDER 2005-2011-AIR-E

Classification: Minor

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

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 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 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 limits.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 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)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 8404, Special Condition 7A PERMIT
 8404, Special Condition 9 PERMIT
 Description: Failure to properly operate the FCCU3 Flare (EPN: EFCCU3).

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	03/21/2003	(158305)
2	03/27/2003	(26230)
3	04/03/2003	(27121)
4	04/03/2003	(27201)
5	04/03/2003	(27056)
6	04/03/2003	(27066)
7	04/03/2003	(27131)
8	04/03/2003	(26943)
9	04/03/2003	(27183)
10	04/04/2003	(26233)
11	04/21/2003	(158310)
12	05/19/2003	(31005)
13	05/22/2003	(295435)
14	05/27/2003	(48708)
15	06/17/2003	(61544)
16	06/19/2003	(158317)
17	07/01/2003	(38152)
18	07/17/2003	(295440)
19	07/23/2003	(40816)
20	08/18/2003	(295443)
21	08/28/2003	(28999)
22	09/09/2003	(247671)
23	09/22/2003	(295445)
24	10/13/2003	(248076)
25	10/13/2003	(248091)
26	10/13/2003	(248609)
27	10/16/2003	(248607)
28	10/16/2003	(248083)
29	10/27/2003	(295447)
30	11/20/2003	(295448)
31	12/02/2003	(34076)
32	12/11/2003	(252519)
33	12/12/2003	(254380)
34	12/22/2003	(252520)
35	12/23/2003	(295449)
36	12/30/2003	(256359)
37	12/30/2003	(256360)
38	12/30/2003	(256361)
39	12/31/2003	(258590)
40	12/31/2003	(258591)

41	01/16/2004	(295451)
42	02/06/2004	(284347)
43	02/18/2004	(260152)
44	02/18/2004	(295430)
45	03/22/2004	(295432)
46	03/24/2004	(251592)
47	04/02/2004	(249785)
48	04/06/2004	(267670)
49	04/06/2004	(267580)
50	04/07/2004	(264561)
51	04/07/2004	(264562)
52	04/08/2004	(264185)
53	04/08/2004	(264558)
54	04/08/2004	(264559)
55	04/08/2004	(264246)
56	04/08/2004	(264233)
57	04/08/2004	(264250)
58	04/08/2004	(264242)
59	04/23/2004	(295433)
60	05/05/2004	(270556)
61	05/19/2004	(295436)
62	05/25/2004	(267857)
63	05/25/2004	(267858)
64	05/25/2004	(267860)
65	05/27/2004	(268908)
66	06/21/2004	(264256)
67	06/28/2004	(295438)
68	07/07/2004	(272293)
69	07/22/2004	(295441)
70	08/24/2004	(352156)
71	08/31/2004	(253278)
72	09/20/2004	(352157)
73	09/20/2004	(352161)
74	10/13/2004	(286696)
75	10/13/2004	(286697)
76	10/13/2004	(286698)
77	10/20/2004	(352158)
78	11/08/2004	(336153)
79	11/08/2004	(336154)
80	11/08/2004	(336156)
81	11/08/2004	(336149)
82	11/19/2004	(352159)
83	11/22/2004	(341148)
84	11/22/2004	(341153)
85	11/22/2004	(341149)
86	11/22/2004	(341150)
87	11/22/2004	(341152)
88	11/23/2004	(338625)
89	12/13/2004	(343042)
90	12/13/2004	(343131)
91	12/17/2004	(352160)
92	12/22/2004	(339617)
93	01/06/2005	(343526)
94	01/24/2005	(346789)
95	01/31/2005	(347748)
96	02/10/2005	(348671)
97	02/18/2005	(344919)
98	02/22/2005	(381860)
99	03/23/2005	(346655)
100	04/01/2005	(341733)
101	04/01/2005	(341734)
102	04/22/2005	(419690)
103	04/22/2005	(419693)
104	04/27/2005	(340352)
105	05/20/2005	(381148)
106	05/20/2005	(381149)
107	05/20/2005	(381150)
108	05/20/2005	(381151)

109	05/23/2005	(419691)
110	06/21/2005	(419692)
111	06/23/2005	(381154)
112	06/24/2005	(419689)
113	06/30/2005	(381062)
114	07/19/2005	(377532)
115	08/01/2005	(395622)
116	08/01/2005	(395623)
117	08/19/2005	(440827)
118	08/23/2005	(399864)
119	08/31/2005	(374623)
120	08/31/2005	(343681)
121	08/31/2005	(339481)
122	09/15/2005	(398731)
123	09/15/2005	(398732)
124	09/15/2005	(398734)
125	09/15/2005	(398735)
126	09/23/2005	(440828)
127	09/23/2005	(440830)
128	10/24/2005	(440829)
129	11/09/2005	(436494)
130	11/18/2005	(468423)
131	12/02/2005	(418595)
132	12/02/2005	(435832)
133	12/06/2005	(436191)
134	12/27/2005	(468424)
135	01/09/2006	(438168)
136	01/09/2006	(438169)
137	01/09/2006	(438170)
138	01/09/2006	(438171)
139	01/09/2006	(438173)
140	01/09/2006	(438174)
141	01/09/2006	(438165)
142	01/09/2006	(438161)
143	01/09/2006	(438167)
144	01/09/2006	(438163)
145	01/12/2006	(437664)
146	01/24/2006	(439307)
147	01/24/2006	(439304)
148	01/24/2006	(439306)
149	01/24/2006	(439308)
150	01/24/2006	(439305)
151	01/27/2006	(440026)
152	01/27/2006	(440027)
153	01/27/2006	(440028)
154	02/07/2006	(437317)
155	02/15/2006	(450083)
156	02/16/2006	(440030)
157	02/22/2006	(468420)
158	03/15/2006	(498184)
159	03/28/2006	(454259)
160	03/28/2006	(454260)
161	03/28/2006	(454262)
162	03/29/2006	(454264)
163	03/29/2006	(454263)
164	04/13/2006	(468421)
165	04/13/2006	(468422)
166	04/14/2006	(454439)
167	05/03/2006	(453610)
168	05/12/2006	(498185)
169	05/16/2006	(464801)
170	05/16/2006	(464788)
171	05/22/2006	(459051)
172	06/16/2006	(465963)
173	06/20/2006	(498186)
174	07/13/2006	(481868)
175	07/17/2006	(455987)
176	07/24/2006	(482945)

177 07/24/2006 (466418)
 178 08/18/2006 (520192)
 179 08/25/2006 (466256)
 180 08/31/2006 (452766)
 181 08/31/2006 (437272)
 182 08/31/2006 (437238)
 183 09/19/2006 (520193)
 184 09/19/2006 (520195)
 185 10/16/2006 (520194)
 186 11/03/2006 (516484)
 187 11/14/2006 (512177)
 188 11/15/2006 (544494)
 189 12/18/2006 (544495)
 190 12/28/2006 (254143)
 191 12/28/2006 (145783)
 192 12/28/2006 (267063)
 193 12/28/2006 (29038)
 194 12/28/2006 (26423)
 195 12/28/2006 (340489)
 196 02/02/2007 (536089)
 197 02/05/2007 (481275)
 198 02/15/2007 (544493)
 199 03/09/2007 (575283)
 200 04/17/2007 (575284)
 201 04/21/2007 (454289)
 202 04/21/2007 (512224)
 203 04/26/2007 (556885)
 204 05/17/2007 (575285)
 205 06/19/2007 (575286)
 206 06/23/2007 (452727)
 207 06/25/2007 (555224)
 208 07/13/2007 (575287)
 209 07/31/2007 (558780)
 210 08/14/2007 (544000)
 211 08/15/2007 (543999)
 212 08/20/2007 (607546)
 213 09/17/2007 (607547)
 214 10/16/2007 (607548)
 215 10/23/2007 (607549)
 216 10/24/2007 (594945)
 217 11/05/2007 (599015)
 218 11/16/2007 (619519)
 219 11/28/2007 (601230)
 220 12/11/2007 (609847)
 221 12/17/2007 (619520)
 222 12/21/2007 (635943)
 223 01/13/2008 (599244)
 224 01/14/2008 (573909)
 225 01/25/2008 (619518)
 226 02/05/2008 (615311)
 227 02/20/2008 (615560)
 228 02/25/2008 (613440)
 229 02/26/2008 (617761)

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

Date: 04/30/2003 (295435)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 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)
 Rqmt Prov: OP 414-000
 Description: Failure by the permittee to maintain adequate records of monitoring activities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)

Rqmt Prov: OP 414-000
 Description: Failure by the permittee to maintain adequate records of monitoring activities.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP 414-000
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP 414-000
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP 414-000
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: OP 414-000
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Date: 07/24/2003 (40816)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.223(e)
 Description: Failure to submit daily source cap limit exceedance reports.
 Date: 12/23/2003 (252520)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to create a final record of a non-reportable emission event at SRU3.
 Self Report? NO Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit.
 Date: 01/31/2004 (295430)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 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: 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)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/10/2005 (348671)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR 1
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR 1
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Date: 04/28/2005 (371586)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 8404, SC XII-13

Description: Failure to maintain the SO2 concentration below the maximum allowable limit.
Date: 12/31/2005 (440830)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 04/17/2006 (454439)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Date: 06/30/2006 (468422)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2006 (520192)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
Date: 02/28/2007 (575283)
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: 04/27/2007 (556885)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01386, General Terms and Conditions
OP O-01386, Special Terms and Condition 2F

Description: Failure to properly report the initial notification and final report to the regional office for an emissions event (Incident 86816) which occurred from February 1-9, 2007. MIN (3)(C), EIC C3
Date: 06/25/2007 (555224)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.163(1)
30 TAC Chapter 335, SubChapter F 335.163(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(c)

Rqmt Prov: PERMIT P.P. II.c.1.m.

Description: Failure to provide required locked caps, clearly visible identification numbers, and bumper guards on MW-5, MW-48, and MW-46.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.164(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(d)

Rqmt Prov: IHWPERMTCP C.P.P. VI.C.
PERMIT P.P. VI. J

Description: Failure to adhere to the sampling frequencies as required by the Sampling Analysis Plan.
Date: 06/30/2007 (575287)
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: 08/15/2007 (571469)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 8404, Special Condition 20
 PERMIT 8404, Special Condition 21
 OP O-01386, General Terms and Conditions
 OP O-01386, Special Condition 16A
 OP O-01386, Special Condition 1A

Description: Failure to monitor the pilot flame at the CRU4 Flare.
Date: 08/15/2007 (544000)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01386, General Terms and Conditions
 OP O-01386, Special Condition 16A

Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 8404, Special Condition 10E
 PERMIT 8404, Special Condition 11E
 PERMIT 8404, Special Condition 14
 PERMIT 8404, Special Condition 16
 PERMIT 8404, Special Condition 20
 PERMIT 8404, Special Condition 23
 PERMIT 8404, Special Condition 38
 PERMIT 8404, Special Condition 56
 OP O-01386, General Terms and Conditions
 OP O-01386, Special Condition 16A

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 8404, Special Condition 16
 PERMIT 8404, Special Condition 56
 OP O-01386, General Terms and Conditions
 OP O-01386, Special Condition 16A
 OP O-01386, Special Condition 1A

Description: Failure to monitor the pilot flame at the ALKY and HCU flares.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01386, General Terms and Conditions

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.
Date: 09/30/2007 (607548)

Self Report? YES **Classification:** Moderate

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

Description: Failure to meet the limit for one or more permit parameter
Date: 12/11/2007 (609847)

Self Report? NO **Classification:** Minor

Rqmt Prov: PERMIT M&RR 3c

Description: Failure by Motiva Enterprises LLC. to maintain complete records of calibration.

Self Report? NO **Classification:** Minor

Rqmt Prov: PERMIT OpR 1
 Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2g
 Description: Failure by Motiva Enterprises LLC. to prevent unauthorized discharges into or adjacent to waters of the state.
 Date: 12/21/2007 (635943)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits.

Notice of Intent Date: 11/03/2006 (531086)
 No DOV Associated
 Notice of Intent Date: 12/15/2006 (536667)
 No DOV Associated
 Notice of Intent Date: 08/01/2007 (518396)
 No DOV Associated
 Notice of Intent Date: 10/29/2007 (601277)
 No DOV Associated
 Notice of Intent Date: 10/29/2007 (601279)
 No DOV Associated

G. Type of environmental management systems (EMSs).

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

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

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

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MOTIVA ENTERPRISES LLC
RN100209451**

§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0389-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates an oil 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 the TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 1, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Three Hundred Fifty Dollars (\$9,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Seven Hundred Forty Dollars (\$3,740) of the administrative penalty and One Thousand Eight Hundred Seventy Dollars (\$1,870) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with

all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Three Thousand Seven Hundred Forty Dollars (\$3,740) shall be conditionally offset by the Respondent'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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(c)(7) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit O-01386, General Terms & Conditions and Special Condition 16, as documented during a record review conducted on January 4, 2008. Specifically, 1,202.5 pounds ("lbs") of butenes and 227.6 lbs of propene were released without authorization from a 6-inch butylene line starting on December 4, 2007, from 7:00 a.m. through 7:00 p.m. December 5, 2007. Since this emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2008-0389-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 1, Paragraph 6 above, Three Thousand Seven Hundred Forty Dollars (\$3,740) 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 provision of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, design and implement procedures to prevent the recurrence of emissions events due to a same or similar cause; and
 - b. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Dear Sir,
I am writing to you regarding the matter of the late Mr. John Doe.

Reference is made to your letter of the 15th inst.

in which you requested that we should advise you as to the status of the estate of the late Mr. John Doe.

The estate of the late Mr. John Doe is now being administered by the executor named in the will, and the same is being administered in accordance with the provisions of the will.

The executor has advised that the estate is now being administered in accordance with the provisions of the will, and that the same is being administered in accordance with the provisions of the will.

The executor has advised that the estate is now being administered in accordance with the provisions of the will, and that the same is being administered in accordance with the provisions of the will.

The executor has advised that the estate is now being administered in accordance with the provisions of the will, and that the same is being administered in accordance with the provisions of the will.

The executor has advised that the estate is now being administered in accordance with the provisions of the will, and that the same is being administered in accordance with the provisions of the will.

The executor has advised that the estate is now being administered in accordance with the provisions of the will, and that the same is being administered in accordance with the provisions of the will.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Rollin
For the Executive Director

7/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

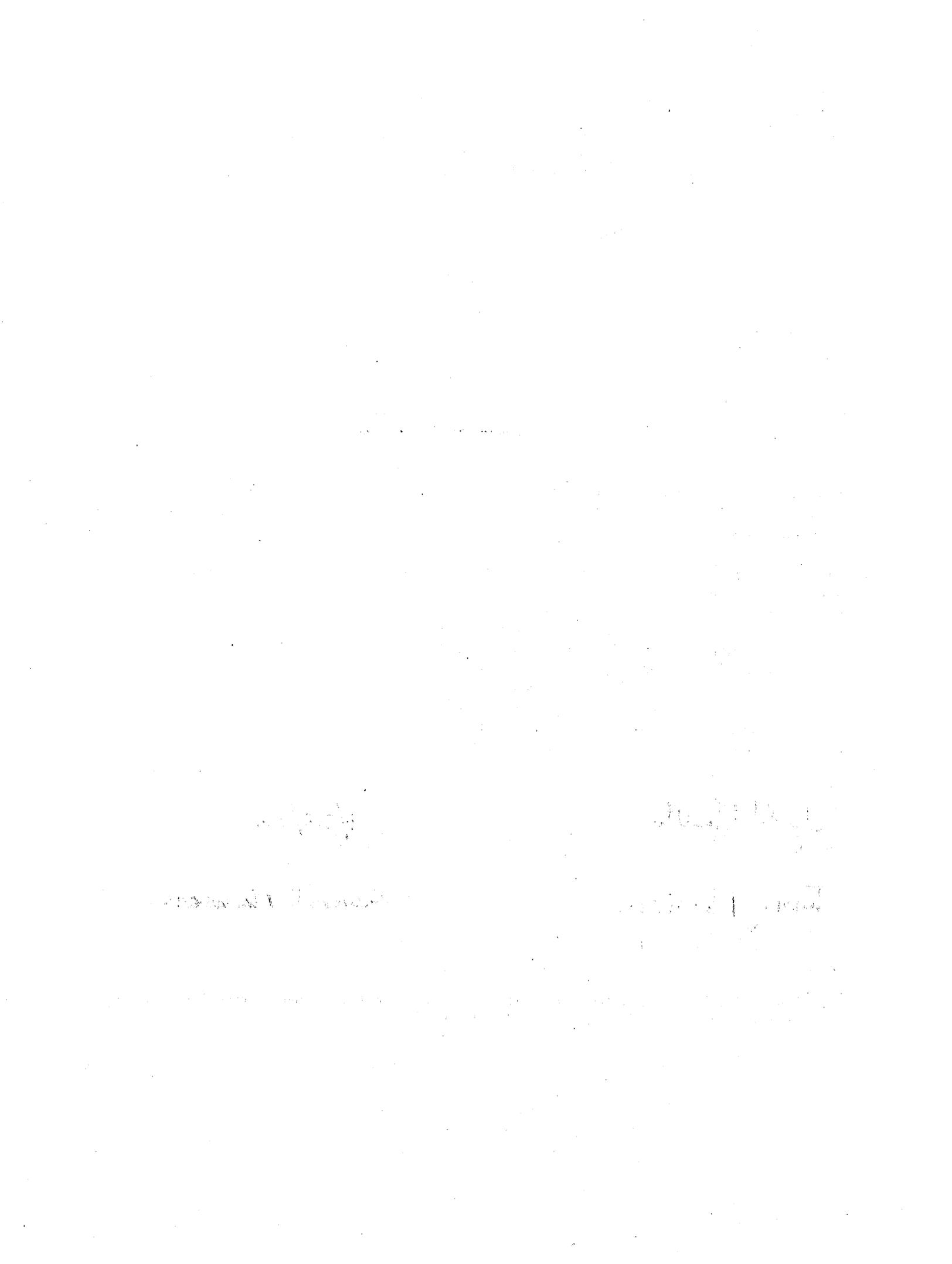
Todd Monette
Signature

4/28/08
Date

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: 2008-0389-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Motiva Enterprises LLC

Payable Penalty Amount: Seven Thousand Four Hundred Eighty Dollars (\$7,480)

SEP Amount: Three Thousand Seven Hundred Forty Dollars (\$3,740)

Type of SEP: Pre-approved

Third-Party Recipient: South East Texas Regional Planning Commission-West Port
Arthur Home Energy Efficiency Program

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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 residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

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.

