

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER****DOCKET NO.:** 2008-0050-AIR-E **TCEQ ID:** RN100716661 **CASE NO.:** 35182**RESPONDENT NAME:** Pasadena Refining System, Inc

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Pasadena Refining System, 111 Red Bluff Road, Pasadena, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 28, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Francisco Raymundo for Mr. Cerqueira Neto, CEO, Refining, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> October 12, 2007</p> <p><b>Date of NOV Relating to this Case:</b> November 5, 2007 (NOV)</p> <p><b>Background Facts:</b> This was a routine record review. This case was remanded from the January 14, 2009 Agenda for further development. The case is now ready for consideration.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 1,387.88 pounds ("lbs") of the highly reactive volatile organic compounds ("HRVOCs") butene and ethylene, 155.69 lbs of the hazardous air pollutants ("HAPs") hexane, hexanes +, ethylbenzene, xylene, toluene, 1,3 butadiene, and benzene, 20,627.69 lbs of volatile organic compounds ("VOCs"), 234.70 lbs of hydrogen sulfide, and 61.63 lbs of carbon monoxide were released from Tank 827 during an emissions event that began on July 17, 2007 and lasted for two hours. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Permit No. 76192, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$10,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions event that began on July 17, 2007; and</p> <p>b) Within 45 days after the effective date of this Agree Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): HG0175D



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b>	12-Nov-2007	<b>PCW</b>	10-Jan-2008	<b>Screening</b>	20-Dec-2007	<b>EPA Due</b>	1-Aug-2008
-------------	--------------	-----------------	-------------	------------	-------------	------------------	-------------	----------------	------------

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Pasadena Refining System, Inc
<b>Reg. Ent. Ref. No.</b>	RN100716661
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	35182	<b>No. of Violations</b>	1	
<b>Docket No.</b>	2008-0050-AIR-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Roshondra Lowe	
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$10,000
---	-------------------	----------

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	121% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$12,100
---------------------------	------------------	--------------------------------	----------

**Notes**  
Penalty enhancement due to eight NOV's for the same or similar violations, four NOV's for unrelated violations (which includes two months of self-reported effluent violations), one agreed order with denial of liability, one agreed order without denial of liability, and one Court Order with denial of liability. Penalty reduction due to two Notices of Audit submitted.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	----------------	-------------------	-----

**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$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*	<b>Subtotal 6</b>	\$0
--	-----------------	-------------------	-----

Total EB Amounts	\$213	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$22,100
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
---	----	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$22,100
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,000
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	\$0
-----------------	--------------	-------------------	-----

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

**Notes**  
No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$10,000
------------------------	----------

Screening Date 20-Dec-2007

Docket No. 2008-0050-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 35182

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

### 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)	8	40%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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 judgments 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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 121%

>> 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 eight NOVs for the same or similar violations, four NOVs for unrelated violations (which includes two months of self-reported effluent violations), one agreed order with denial of liability, one agreed order without denial of liability, and one Court Order with denial of liability. Penalty reduction due to two Notices of Audit submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 121%

**Screening Date** 20-Dec-2007 **Docket No.** 2008-0050-AIR-E **PCW**  
**Respondent** Pasadena Refining System, Inc *Policy Revision 2 (September 2002)*  
**Case ID No.** 35182 *PCW Revision November 6, 2007*  
**Reg. Ent. Reference No.** RN100716661  
**Media [Statute]** Air  
**Enf. Coordinator** Roshondra Lowe

**Violation Number**   
**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), TCEQ Permit No. 76192, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions during a July 17, 2007 emissions event. Specifically, 1,387.88 pounds ("lbs") of the highly reactive volatile organic compounds ("HRVOCs") butene and ethylene, 155.69 lbs of the hazardous air pollutants ("HAPs") hexane, hexanes +, ethylbenzene, xylene, toluene, 1,3 butadiene, and benzene, 20,627.69 lbs of volatile organic compounds ("VOCs"), 234.70 lbs of hydrogen sulfide, and 61.63 lbs of carbon monoxide were released from Tank 827 during an emissions event that began on July 17, 2007 and lasted for two hours (Incident No. 94242). Since this emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**>> Programmatic Matrix**

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

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

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

**Violation Base Penalty**

One daily event is recommended.

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent:** Pasadena Refining System, Inc  
**Case ID No.:** 35182  
**Reg. Ent. Reference No.:** RN100716661  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$4,000	17-Jul-2007	8-Aug-2008	1.1	\$213	n/a	\$213

Notes for DELAYED costs

Estimated cost to implement measures necessary to ensure proper operation of the Gas Plant in batch mode. 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

\$4,000

**TOTAL**

\$213

# Compliance History

Customer/Respondent/Owner-Operator:	CN603137605	Pasadena Refining System, Inc	Classification: AVERAGE	Rating: 2.44																																																																																																																																																																																																									
Regulated Entity:	RN100716661	PASADENA REFINING SYSTEM	Classification: AVERAGE	Site Rating: 2.60																																																																																																																																																																																																									
ID Number(s):	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 30%;">ACCOUNT NUMBER</td> <td style="width: 20%;">HG0175D</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1544</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD008091290</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>30311</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td> <td>PERMIT</td> <td>50112</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0000574000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TPDES0004626</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0004626</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>3776</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>4160</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>4805</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5639</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5953</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>6059</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>12244</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>12421</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>12928</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13051</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>13494</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>14097</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>14133</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>20246</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>21261</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>22039</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>26891</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>29623</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>HG0175D</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>75825</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>76022</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>76192</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4820100006</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>74742</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>15114</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>23453</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>24103</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>24413</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>29038</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>29628</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>37094</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>37366</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>38901</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>42375</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>42719</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>43721</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>45156</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>53208</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>54536</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>54538</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>56389</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>71605</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>77074</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>80804</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81553</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>44511</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81978</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX1096</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>82003</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>82373</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>82840</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>EPA ID</td> <td>PSDTX1109</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>82764-</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>82764</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>82861</td> </tr> <tr> <td>AIR QUALITY NON PERMITTED</td> <td>ACCOUNT NUMBER</td> <td>HG0175D</td> </tr> <tr> <td>IHW CORRECTIVE ACTION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>30311</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE</td> <td>PERMIT</td> <td>50112</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS</td> <td>PERMIT</td> <td>50112</td> </tr> </table>				AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0175D	AIR OPERATING PERMITS	PERMIT	1544	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008091290	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30311	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50112	WASTEWATER	PERMIT	WQ0000574000	WASTEWATER	PERMIT	TPDES0004626	WASTEWATER	PERMIT	TX0004626	AIR NEW SOURCE PERMITS	PERMIT	3776	AIR NEW SOURCE PERMITS	PERMIT	4160	AIR NEW SOURCE PERMITS	PERMIT	4805	AIR NEW SOURCE PERMITS	PERMIT	5639	AIR NEW SOURCE PERMITS	PERMIT	5953	AIR NEW SOURCE PERMITS	PERMIT	6059	AIR NEW SOURCE PERMITS	PERMIT	12244	AIR NEW SOURCE PERMITS	PERMIT	12421	AIR NEW SOURCE PERMITS	PERMIT	12928	AIR NEW SOURCE PERMITS	PERMIT	13051	AIR NEW SOURCE PERMITS	PERMIT	13494	AIR NEW SOURCE PERMITS	PERMIT	14097	AIR NEW SOURCE PERMITS	PERMIT	14133	AIR NEW SOURCE PERMITS	PERMIT	20246	AIR NEW SOURCE PERMITS	PERMIT	21261	AIR NEW SOURCE PERMITS	PERMIT	22039	AIR NEW SOURCE PERMITS	PERMIT	26891	AIR NEW SOURCE PERMITS	PERMIT	29623	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0175D	AIR NEW SOURCE PERMITS	REGISTRATION	75825	AIR NEW SOURCE PERMITS	REGISTRATION	76022	AIR NEW SOURCE PERMITS	PERMIT	76192	AIR NEW SOURCE PERMITS	AFS NUM	4820100006	AIR NEW SOURCE PERMITS	REGISTRATION	74742	AIR NEW SOURCE PERMITS	REGISTRATION	15114	AIR NEW SOURCE PERMITS	REGISTRATION	23453	AIR NEW SOURCE PERMITS	REGISTRATION	24103	AIR NEW SOURCE PERMITS	REGISTRATION	24413	AIR NEW SOURCE PERMITS	REGISTRATION	29038	AIR NEW SOURCE PERMITS	REGISTRATION	29628	AIR NEW SOURCE PERMITS	REGISTRATION	37094	AIR NEW SOURCE PERMITS	REGISTRATION	37366	AIR NEW SOURCE PERMITS	REGISTRATION	38901	AIR NEW SOURCE PERMITS	REGISTRATION	42375	AIR NEW SOURCE PERMITS	REGISTRATION	42719	AIR NEW SOURCE PERMITS	REGISTRATION	43721	AIR NEW SOURCE PERMITS	REGISTRATION	45156	AIR NEW SOURCE PERMITS	REGISTRATION	53208	AIR NEW SOURCE PERMITS	REGISTRATION	54536	AIR NEW SOURCE PERMITS	REGISTRATION	54538	AIR NEW SOURCE PERMITS	REGISTRATION	56389	AIR NEW SOURCE PERMITS	REGISTRATION	71605	AIR NEW SOURCE PERMITS	REGISTRATION	77074	AIR NEW SOURCE PERMITS	PERMIT	80804	AIR NEW SOURCE PERMITS	REGISTRATION	81553	AIR NEW SOURCE PERMITS	REGISTRATION	44511	AIR NEW SOURCE PERMITS	REGISTRATION	81978	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1096	AIR NEW SOURCE PERMITS	REGISTRATION	82003	AIR NEW SOURCE PERMITS	REGISTRATION	82373	AIR NEW SOURCE PERMITS	REGISTRATION	82840	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1109	AIR NEW SOURCE PERMITS	REGISTRATION	82764-	AIR NEW SOURCE PERMITS	REGISTRATION	82764	AIR NEW SOURCE PERMITS	REGISTRATION	82861	AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	HG0175D	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30311	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50112	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50112
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0175D																																																																																																																																																																																																											
AIR OPERATING PERMITS	PERMIT	1544																																																																																																																																																																																																											
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008091290																																																																																																																																																																																																											
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30311																																																																																																																																																																																																											
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50112																																																																																																																																																																																																											
WASTEWATER	PERMIT	WQ0000574000																																																																																																																																																																																																											
WASTEWATER	PERMIT	TPDES0004626																																																																																																																																																																																																											
WASTEWATER	PERMIT	TX0004626																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	3776																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	4160																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	4805																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	5639																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	5953																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	6059																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	12244																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	12421																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	12928																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	13051																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	13494																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	14097																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	14133																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	20246																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	21261																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	22039																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	26891																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	29623																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0175D																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	75825																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	76022																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	76192																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	AFS NUM	4820100006																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	74742																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	15114																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	23453																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	24103																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	24413																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	29038																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	29628																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	37094																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	37366																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	38901																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	42375																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	42719																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	43721																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	45156																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	53208																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	54536																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	54538																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	56389																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	71605																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	77074																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	PERMIT	80804																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	81553																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	44511																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	81978																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1096																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	82003																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	82373																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	82840																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1109																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	82764-																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	82764																																																																																																																																																																																																											
AIR NEW SOURCE PERMITS	REGISTRATION	82861																																																																																																																																																																																																											
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	HG0175D																																																																																																																																																																																																											
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30311																																																																																																																																																																																																											
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50112																																																																																																																																																																																																											
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50112																																																																																																																																																																																																											
Location:	111 RED BLUFF RD, PASADENA, TX, 77506		Rating Date: 9/1/2007 Repeat Violator: NO																																																																																																																																																																																																										

TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: December 19, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: December 19, 2002 to December 19, 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? Yes
3. If Yes, who is the current owner? Pasadena Refining System, Inc
4. If Yes, who was/were the prior owner(s)? Crown Central Petroleum Corporation  
Pasadena Refining System, Inc.
5. When did the change(s) in ownership occur? 01/25/2005  
01/12/2007

#### 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: 04/07/2006

COURTORDER

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: Emission Sources - MAERT PERMIT

Description: Crown failed to comply with the Emission Sources MAERT as authorized by the permit for Tank No. 332 (EPN T-332).

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: Emission Sources - MAERT PERMIT

Description: Crown failed to comply with the Emission Sources MAERT as authorized by the permit for Reformer No. 3 (EPN HTREF2631).

Effective Date: 02/18/2007

ADMINORDER 2006-0664-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 20246, Special Condition 4 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: TCEQ Permit No. 5953, MAERT PERMIT

Description: Failure to prevent unauthorized emissions from an avoidable emissions event.

Classification: Minor

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

Description: Failure to provide notification of a reportable emissions event within 24 hours of discovery.

Effective Date: 10/04/2007

ADMINORDER 2006-2193-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 20246, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an initial notification of an emissions event within the 24-hour period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 20246, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an initial notification of an emissions event within the 24-hour period

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	01/17/2003	(157317)
2	01/26/2003	(295057)
3	02/13/2003	(157277)
4	03/14/2003	(157280)
5	04/22/2003	(157285)
6	05/20/2003	(157289)
7	06/16/2003	(157293)
8	06/27/2003	(40856)
9	07/08/2003	(60369)
10	07/31/2003	(295048)
11	09/22/2003	(295050)
12	09/22/2003	(295052)
13	09/25/2003	(249564)
14	10/08/2003	(249305)
15	10/08/2003	(248976)
16	10/08/2003	(249236)
17	10/08/2003	(248881)
18	10/17/2003	(295054)
19	11/07/2003	(253579)
20	11/21/2003	(295055)
21	12/22/2003	(295056)
22	01/27/2004	(257474)
23	02/17/2004	(295040)
24	03/23/2004	(264460)
25	03/31/2004	(295042)
26	04/26/2004	(295043)
27	05/17/2004	(295045)
28	06/30/2004	(273377)
29	06/30/2004	(272332)
30	07/02/2004	(278046)
31	07/26/2004	(351954)
32	07/28/2004	(351953)
33	08/04/2004	(275287)
34	08/13/2004	(277198)
35	08/13/2004	(277250)
36	08/13/2004	(277929)
37	08/23/2004	(351955)
38	08/31/2004	(282637)
39	09/20/2004	(351956)
40	10/19/2004	(335210)
41	10/19/2004	(335752)
42	10/21/2004	(351957)
43	11/22/2004	(338866)
44	11/24/2004	(351958)
45	11/29/2004	(339524)
46	12/17/2004	(338853)
47	12/17/2004	(338865)
48	12/17/2004	(338855)
49	12/20/2004	(274159)
50	12/20/2004	(338847)
51	12/22/2004	(338872)
52	12/23/2004	(381778)

53	12/27/2004	(289044)
54	01/03/2005	(338875)
55	01/07/2005	(338863)
56	01/07/2005	(338846)
57	01/07/2005	(338882)
58	01/07/2005	(339594)
59	01/17/2005	(381779)
60	02/22/2005	(381777)
61	03/16/2005	(348878)
62	03/23/2005	(419605)
63	04/12/2005	(377273)
64	04/15/2005	(419606)
65	05/11/2005	(419607)
66	06/20/2005	(419608)
67	07/05/2005	(394416)
68	07/11/2005	(440748)
69	07/22/2005	(394059)
70	08/10/2005	(373721)
71	08/17/2005	(403174)
72	08/24/2005	(403097)
73	08/25/2005	(440749)
74	09/12/2005	(440750)
75	10/14/2005	(468284)
76	11/21/2005	(468285)
77	12/22/2005	(468286)
78	01/20/2006	(468287)
79	02/08/2006	(454548)
80	02/10/2006	(468282)
81	02/14/2006	(454565)
82	02/27/2006	(418333)
83	02/27/2006	(407010)
84	02/27/2006	(407360)
85	03/13/2006	(468283)
86	04/20/2006	(498096)
87	05/11/2006	(457075)
88	05/18/2006	(498097)
89	05/22/2006	(462966)
90	05/22/2006	(459365)
91	05/23/2006	(462971)
92	05/26/2006	(462753)
93	06/22/2006	(498098)
94	06/30/2006	(483478)
95	06/30/2006	(483088)
96	07/21/2006	(520114)
97	07/31/2006	(484233)
98	08/21/2006	(520115)
99	09/01/2006	(482950)
100	09/15/2006	(490299)
101	09/15/2006	(510015)
102	09/27/2006	(520116)
103	10/05/2006	(513823)
104	10/13/2006	(512280)
105	10/19/2006	(544373)
106	11/16/2006	(517348)
107	11/30/2006	(544374)
108	12/12/2006	(532836)
109	12/18/2006	(544375)
110	12/20/2006	(533720)
111	12/21/2006	(533545)
112	01/22/2007	(544376)
113	01/23/2007	(535901)
114	02/05/2007	(536180)
115	02/14/2007	(533928)
116	03/01/2007	(575114)
117	03/22/2007	(575115)
118	04/23/2007	(575116)
119	05/16/2007	(575117)
120	06/13/2007	(575118)
121	07/11/2007	(575119)
122	08/17/2007	(601551)
123	08/20/2007	(571080)
124	08/23/2007	(564192)
125	09/19/2007	(601552)
126	10/12/2007	(601553)
127	11/05/2007	(598483)

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

Date: 02/28/2003 (157280)  
 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: 06/30/2003 (40856)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PA 5953 Special Condition No. 2  
 Description: NOx emissions from EPN: RH-2631 exceeded the permit allowable limit of 0.06 pounds per Million Btu heat input.  
 Date: 10/09/2003 (249236)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)(1)(I)  
 30 TAC Chapter 101, SubChapter F 101.211(b)(9)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 Rqmt Prov: PERMIT 20246  
 Description: Failure to state authorized limits on the initial notification and final report of scheduled maintenance. Non-exempted emissions from Tank 818.  
 Date: 10/09/2003 (248976)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)(8)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(E)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT 20246  
 Description: Failure to state authorized opacity limit on notification of excess opacity event. Non-exempted emissions from Boiler No. 10.  
 Date: 10/09/2003 (248881)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
 Rqmt Prov: PERMIT 20246  
 Description: Failure to submit initial notification within 24 hours of start of emissions event. Non-exempted emissions from Fluidized Catalytic Cracking Unit.  
 Date: 12/20/2004 (274159)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 3776, S.C. No. 4  
 Description: Failure to submit notification within 24 hours from discovery of emissions event.  
 Date: 05/11/2006 (457075)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Permit 20246, Special Condition 7  
 Description: Failure to prevent excess opacity.  
 Date: 05/31/2006 (462753)  
 Self Report? NO 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 comply with the EE reporting requirements.  
 Date: 06/30/2006 (483088)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to prevent unauthorized emissions.  
 Date: 07/31/2006 (484233)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 20246, Special Condition 4  
 Description: Failure to prevent unauthorized emissions.  
 Date: 01/23/2007 (535901)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT No. 20246, Special Condition 1  
 Description: Failure to prevent unauthorized emissions.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to notify the TCEQ Houston Region office of a reportable emissions event within 24 hours of its discovery.

Self Report? NO Classification: Minor

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

Description: Failure to include in the final report of a reportable emissions event, the authorized emission limits and preconstruction authorization of the facility involved in the emissions event.

Date: 07/31/2007 (601551)

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: 05/16/2005 (396204)  
No DOV Associated

Notice of Intent Date: 04/09/2007 (558490)  
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  
ENFORCEMENT ACTION  
CONCERNING  
PASADENA REFINING SYSTEM, INC  
RN100716661

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-0050-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 Pasadena Refining System, Inc ("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 111 Red Bluff Road in Pasadena, 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 that was conducted on October 12, 2007, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during a July 17, 2007 emissions event. Specifically, 1,387.88 pounds ("lbs") of the highly reactive volatile organic compounds ("HRVOCs") butene and ethylene, 155.69 lbs of the hazardous air pollutants ("HAPs") hexane, hexanes +, ethylbenzene, xylene, toluene, 1,3 butadiene, and benzene, 20,627.69 lbs of volatile organic compounds ("VOCs"), 234.70 lbs of hydrogen sulfide, and 61.63 lbs of carbon monoxide were released from Tank 827 for two hours.
4. The Respondent received notice of the violation on November 10, 2007.

## 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 No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Permit No. 76192, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was avoidable, 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 Ten Thousand Dollars (\$10,000) 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 the Ten Thousand Dollar (\$10,000) administrative penalty.

## 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 Ten Thousand Dollars (\$10,000) 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: Pasadena Refining System, Inc, Docket No. 2008-0050-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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions event that began on July 17, 2007; 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. 2.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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

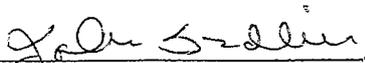
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. 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.

Pasadena Refining System, Inc  
DOCKET NO. 2008-0050-AIR-E  
Page 5

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

9/3/2009  
Date

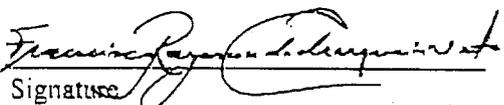
I, the undersigned, have read and understand the attached Agreed Order in the matter of Pasadena Refining System, Inc. I am authorized to agree to the attached Agreed Order on behalf of Pasadena Refining System, Inc, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ,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

I understand that by entering into this Agreed Order, Pasadena Refining System, Inc waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed in 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;
- TCEQ seeking other relief as authorized by law.

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

  
Signature

08-06-2009  
Date

FRANCISCO RAYMUNDO DE CERQUEIRA NETO  
Name (Printed or typed)  
Authorized Representative of  
Pasadena Refining System, Inc

CEO  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Section 8 Section at the address in Section IV, Paragraph 1 of this Agreed Order.

