

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0621-AIR-E TCEQ ID: RN100716661 CASE NO.: 35729**

**RESPONDENT NAME: Pasadena Refining System, Inc**

<b>ORDER TYPE:</b>		
<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	
<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 are two additional pending enforcement actions regarding this facility location, Docket Nos. 2008-0621-AIR-E and 2008-0050-AIR-E.</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 December 1, 2008. 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. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 2I9, (512) 239-2171  <b>Respondent:</b> Mr. Tobey Taylor, Senior Environmental Engineer, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506  Mr. Charles L. Dunlap, President and CEO, 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 type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 8 through 23, 2007 and March 24, May 27, and June 6, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 17, 2007 and June 4 and 20, 2008 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations and a record review.</p> <p><b>AIR</b></p> <p>1) Failure to repair seal gaps on external floating roof Tank # 810 within 45 days of the date the seal gaps were discovered. Specifically, the seal gap exceedances were discovered on December 15, 2006 and the Respondent failed to perform corrective actions or remove Tank # 810 from service until December 8, 2007. The amount of unauthorized emissions were quantified on March 24, 2008, when additional information submitted by the Respondent was reviewed. The amount of unauthorized emissions from Tank # 810 were determined to be 8,478 pounds ("lbs") of volatile organic compounds ("VOC") for the time period when the seal was not repaired [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TCEQ Air Permit No. 20246, Special Condition No. 5, 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.120(b)(8) and 63.646(a), Federal Operating Permit O-01544, Special Terms and Conditions No. 1A and 16, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, 1,136.72 lbs of VOC, 427.72 lbs of carbon monoxide ("CO") and 47.34 lbs of nitrogen oxides ("NOx") were released when the Respondent exceeded the initial estimate</p>	<p><b>Total Assessed:</b> \$33,144</p> <p><b>Total Deferred:</b> \$6,628  <input checked="" 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> \$26,516</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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on December 8, 2007, the Respondent removed Tank # 810 from service for replacement or repair.</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 procedures designed to ensure that seal gaps are repaired or storage vessels are emptied and removed from service within the required time frame;</p> <p>b. Within 30 days after the effective date of this Agreed Order, complete training to ensure that emissions event notifications and final reports are submitted within the required time frames; and</p> <p>c. 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 Provisions a. and b.</p>

<p>for VOC emissions submitted to the agency for a scheduled air startup more than the reportable quantity, thereby making it a reportable emissions event, which began on February 21, 2008, and lasted for 22 hours (Incident No. 103639). Since this emissions event was not reported within 24 hours of discovery, 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 Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to notify the TCEQ when the actual VOC emissions exceeded the estimate provided in the initial shutdown notification by more than the reportable quantity (Incident No. 103639) [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4) Failure to prevent unauthorized emissions. Specifically, 1,042.75 lbs of VOC, 427.72 lbs of CO and 47.34 lbs of NOx were released when the Respondent exceeded the initial estimate for VOC emissions submitted to the agency for a scheduled air startup by more than the reportable quantity, thereby making it a reportable emissions event, which began on March 3, 2008, and lasted for 12 hours (Incident No. 104407). Since this emissions event was not reported within 24 hours of discovery, 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 Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5) Failure to notify the TCEQ when the actual VOC emissions exceeded the estimate provided in the initial shutdown notification by more than the reportable quantity (Incident No. 104407) [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

<b>DATES</b>	Assigned	31-Mar-2008			
	PCW	15-Apr-2008	Screening	14-Apr-2008	EPA Due

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

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35729	No. of Violations	1	
Docket No.	2008-0621-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Nadia Hameed	
Multi-Media		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	<b>\$10,000</b>
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### 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>	116% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	<b>\$11,600</b>
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Notes: Penalty enhancement due to two 1660 agreed orders with denial of liability, one court order, eight same or similar NOV's and four non-similar NOV's of which two were self-reported effluent violations. Penalty reduction for two Notices of Audit.

<b>Culpability</b>	No	0% Enhancement	<i>Subtotal 4</i>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<i>Subtotal 5</i>	<b>\$0</b>
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	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*	<i>Subtotal 6</i>	<b>\$0</b>
Total EB Amounts	\$8,133	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$125,000		

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	<b>\$21,600</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<i>Adjustment</i>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

*Final Penalty Amount* **\$21,600**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	<b>\$21,600</b>
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<b>DEFERRAL</b>	20% Reduction	<i>Adjustment</i>	<b>-\$4,320</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$17,280</b>
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<b>Screening Date</b> 14-Apr-2008	<b>Docket No.</b> 2008-0621-AIR-E	<b>PCW</b>
<b>Respondent</b> Pasadena Refining System, Inc	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35729	<i>PCW Revision March 8, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100716661		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Nadia Hameed		

### 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 <i>(number of NOVs meeting criteria)</i>	8	40%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

*Please Enter Yes or No*

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

**Adjustment Percentage (Subtotal 2)** 116%

**>> 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 two 1660 agreed orders with denial of liability, one court order, eight same or similar NOVs and four non-similar NOVs of which two were self-reported effluent violations. Penalty reduction for two Notices of Audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 116%

<b>Screening Date</b>	14-Apr-2008	<b>Docket No.</b>	2008-0621-AIR-E	<b>PCW</b>
<b>Respondent</b>	Pasadena Refining System, Inc			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35729			<i>PCW Revision March 8, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN100716661			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Nadia Hameed			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), TCEQ Air Permit No. 20246, Special Condition No. 5, 40 Code of Federal Regulations §§ 63.120(b)(8) and 63.646(a), Federal Operating Permit O-01544, Special Terms and Conditions No. 1A and 16, and Tex. Health & Safety Code § 382.085(b)
<b>Violation Description</b>	Failed to repair seal gaps on external floating roof Tank # 810 within 45 days of the date the seal gaps were discovered. Specifically, the seal gap exceedances were discovered on December 15, 2006 and the Respondent failed to perform corrective actions or remove Tank # 810 from service until December 8, 2007. The amount of unauthorized emissions were quantified on March 24, 2008, when additional information submitted by the Respondent was reviewed. The amount of unauthorized emissions from Tank # 810 were determined to be 8,478 pounds of volatile organic compounds for the time period when the seal was not repaired.

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <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 as a result of the violation.

**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	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

Four quarterly events are 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. 35729  
 Reg. Ent. Reference No. RN100716661  
 Media: Air  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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)	\$100,000	29-Jan-2007	8-Dec-2007	0.9	\$286	\$5,717	\$6,003
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)	\$25,000	29-Jan-2007	12-Oct-2008	1.7	\$2,130	n/a	\$2,130

**Notes for DELAYED costs**

Estimated cost for removing tank from service and implementing procedures to ensure tank seals are replaced in a timely manner. Date required is based on forty-five days from the date of discovery of the problem. The tank was removed from service on December 8, 2007. The Final date is based on the date the procedures for identifying and correcting such problems are expected to be implemented.

### 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

\$125,000

**TOTAL**

\$8,133



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	23-Jun-2008	<b>Screening</b>	2-Jul-2008	<b>EPA Due</b>	16-Mar-2009
	<b>PCW</b>	7-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>	35729	<b>No. of Violations</b>	4
<b>Docket No.</b>	2008-0621-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nadia Hameed
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ 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>	<b>\$5,200</b>
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### 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>	122.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$6,344</b>
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**Notes:** Penalty enhancement due to two 1660 agreed orders with denial of liability, one court order, ten same or similar NOV's and two non-similar NOV's which were self-reported effluent violations. Penalty reduction for two Notices of Audit.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes:** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$214
Approx. Cost of Compliance	\$4,200

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$11,544</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes:**

**Final Penalty Amount** **\$11,544**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$11,544</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$2,308</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes:**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$9,236</b>
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<b>Screening Date</b> 2-Jul-2008	<b>Docket No.</b> 2008-0621-AIR-E	<b>PCW</b>
<b>Respondent</b> Pasadena Refining System, Inc	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35729	<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN100716661		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Nadia Hameed		

### 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 <i>(number of NOVs meeting criteria)</i>	10	50%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

*Please Enter Yes or No*

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

**Adjustment Percentage (Subtotal 2)** 122%

>> **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 two 1660 agreed orders with denial of liability, one court order, ten same or similar NOVs and two non-similar NOVs which were self-reported effluent violations. Penalty reduction for two Notices of Audit.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 122%

<b>Screening Date</b> 2-Jul-2008	<b>Docket No.</b> 2008-0621-AIR-E	<b>PCW</b>		
<b>Respondent</b> Pasadena Refining System, Inc	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 35729	<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN100716661				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Nadia Hameed				
<b>Violation Number</b> <input type="text" value="1"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 1,136.72 lbs VOC, 427.72 lbs of carbon monoxide ("CO") and 47.34 lbs of nitrogen oxides ("NOx") were released when the Respondent exceeded the initial estimate for VOC emissions submitted to the agency for a scheduled air startup more than the reportable quantity, thereby making it a reportable emissions event, which began on February 21, 2008, and lasted for 22 hours (Incident No. 103639). Since this emissions event was not reported within 24 hours of discovery, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		<b>Adjustment</b>	<input type="text" value="\$7,500"/>	
		<b>Subtotal</b>	<input type="text" value="\$2,500"/>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="1"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b>	
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		<b>Violation Base Penalty</b>	<input type="text" value="\$2,500"/>	
One quarterly event is recommended.				
<b>Good Faith Efforts to Comply</b>				
		<b>0.0% Reduction</b>	<b>\$0</b>	
	<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
		<b>Violation Subtotal</b>	<input type="text" value="\$2,500"/>	
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	<input type="text" value="\$128"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$5,550"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$5,550"/>	

## Economic Benefit Worksheet

**Respondent:** Pasadena Refining System, Inc  
**Case ID No.:** 35729  
**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
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	21-Feb-2008	29-Dec-2008	0.85	\$6	\$114	\$120
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$200	21-Feb-2008	29-Dec-2008	0.85	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional engineering oversight and process and reporting procedures to ensure timely notifications are made. Date required is the investigation date and the final date is the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,200

TOTAL

\$128

**Screening Date** 2-Jul-2008 **Docket No.** 2008-0621-AIR-E **PCW**  
**Respondent** Pasadena Refining System, Inc *Policy Revision 2 (September 2002)*  
**Case ID No.** 35729 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100716661  
**Media [Statute]** Air  
**Enf. Coordinator** Nadia Hameed  
**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to notify the TCEQ when the actual VOC emissions exceeded the estimate provided in the initial shutdown notification by more than the reportable quantity (Incident No. 103639).  
**Base Penalty** \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

**Matrix Notes** At least 70% of the rule requirements were met.

**Adjustment** \$9,900

\$100

Violation Events

Number of Violation Events 1 132 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$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 for this violation.

**Violation Subtotal** \$100

Economic Benefit (EB) for this violation Statutory Limit Test

**Estimated EB Amount** \$85 **Violation Final Penalty Total** \$222

**This violation Final Assessed Penalty (adjusted for limits)** \$222

## Economic Benefit Worksheet

**Respondent:** Pasadena Refining System, Inc  
**Case ID No.:** 35729  
**Reg. Ent. Reference No.:** RN100716661  
**Media:** Air  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

(d) Cost: Item Cost Date Required Date Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description: No commas or \$

### Delayed Costs

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	21-Feb-2008	29-Dec-2008	0.85	\$85	n/a	\$85
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost for training to ensure that correct estimates and timely notifications are made. Date required is the date of the emissions event. Final date is the date by which the corrective actions are expected to be completed.

### Avoided Costs

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

TOTAL

\$85

<b>Screening Date</b> 2-Jul-2008	<b>Docket No.</b> 2008-0621-AIR-E	<b>PCW</b>	
<b>Respondent</b> Pasadena Refining System, Inc	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 35729	<i>PCW Revision June 12, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN100716661			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Nadia Hameed			
<b>Violation Number</b> 3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 1,042.75 lbs of VOC, 427.72 lbs of CO and 47.34 lbs of NOx were released when the Respondent exceeded the initial estimate for VOC emissions submitted to the agency for a scheduled air startup by more than the reportable quantity, thereby making it a reportable emissions event, which began on March 3, 2008, and lasted for 12 hours (Incident No. 104407). Since this emissions event was not reported within 24 hours of discovery, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.		
<b>Base Penalty</b>		\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Harm</b>		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>			25%
<b>&gt;&gt; Programmatic Matrix</b>			
<b>Falsification</b>			
Major			
Moderate			
Minor			
<b>Percent</b>			0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
<b>Adjustment</b>			\$7,500
			<b>\$2,500</b>
<b>Violation Events</b>			
<b>Number of Violation Events</b>		1	<b>Number of violation days</b>
		1	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semianual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
One quarterly event is recommended.			\$2,500
<b>Good Faith Efforts to Comply</b>			
<b>0.0% Reduction</b>			\$0
Before NOV      NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$2,500
<b>Economic Benefit (EB) for this violation</b>			
<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		\$0	<b>Violation Final Penalty Total</b>
			\$5,550
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$5,550

## Economic Benefit Worksheet

**Respondent:** Pasadena Refining System, Inc  
**Case ID No.:** 35729  
**Reg. Ent. Reference No.:** RN100716661  
**Media:** Air  
**Violation No.:** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

<b>Screening Date</b> 2-Jul-2008	<b>Docket No.</b> 2008-0621-AIR-E	<b>PCW</b>			
<b>Respondent</b> Pasadena Refining System, Inc		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 35729		<small>PCW Revision June 12, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN100716661					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Nadia Hameed					
<b>Violation Number</b>	4				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to notify the TCEQ when the actual VOC emissions exceeded the estimate provided in the initial shutdown notification by more than the reportable quantity (Incident No. 104407).				
<b>Base Penalty</b>		\$10,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				<b>Percent</b> <input type="text" value="1%"/>	
<b>Matrix Notes</b>	At least 70% of the rule requirements were met.				
<b>Adjustment</b>				\$9,900	
				<b>\$100</b>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>		
		<input type="text" value="1"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$100"/>	
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	<b>\$0</b>		
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>				
Ordinary	<input type="text"/>				
N/A	<input checked="" type="checkbox"/>	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$100	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>		
		<input type="text" value="\$222"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$222	

## Economic Benefit Worksheet

**Respondent** Pasadena Refining System, Inc  
**Case ID No.** 35729  
**Reg. Ent. Reference No.** RN100716661  
**Media** Air  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description:</b> No commas or \$						

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

## 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):	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	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	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	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	PERMIT	56389	
	AIR NEW SOURCE PERMITS	REGISTRATION	84630	

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 #	30311
	(SWR)	
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50112
POST CLÓSURE		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50112
COMPLIANCE PLANS		

Location: 111 RED BLUFF RD, PASADENA, TX, 77506 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 08, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 02, 2003 to July 02, 2008

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

Name: NHameed Phone: 713-767-3629

### 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	07/08/2003	(60369)
2	07/31/2003	(295048)
3	09/22/2003	(295050)
4	09/22/2003	(295052)
5	09/25/2003	(249564)
6	10/08/2003	(249305)
7	10/08/2003	(248976)
8	10/08/2003	(249236)
9	10/08/2003	(248881)
10	10/17/2003	(295054)
11	11/07/2003	(253579)
12	11/21/2003	(295055)
13	12/22/2003	(295056)
14	01/27/2004	(257474)
15	02/17/2004	(295040)
16	03/23/2004	(264460)
17	03/31/2004	(295042)
18	04/26/2004	(295043)
19	05/17/2004	(295045)
20	06/30/2004	(273377)
21	06/30/2004	(272332)
22	07/02/2004	(278046)
23	07/26/2004	(351954)
24	07/28/2004	(351953)
25	08/04/2004	(275287)
26	08/13/2004	(277198)
27	08/13/2004	(277250)
28	08/13/2004	(277929)
29	08/23/2004	(351955)
30	08/31/2004	(282637)
31	09/20/2004	(351956)
32	10/19/2004	(335210)
33	10/19/2004	(335752)
34	10/21/2004	(351957)
35	11/22/2004	(338866)
36	11/24/2004	(351958)
37	11/29/2004	(339524)
38	12/17/2004	(338853)

39	12/17/2004	(338865)
40	12/17/2004	(338855)
41	12/20/2004	(274159)
42	12/20/2004	(338847)
43	12/22/2004	(338872)
44	12/23/2004	(381778)
45	12/27/2004	(289044)
46	01/03/2005	(338875)
47	01/07/2005	(338863)
48	01/07/2005	(338846)
49	01/07/2005	(338882)
50	01/07/2005	(339594)
51	01/17/2005	(381779)
52	02/22/2005	(381777)
53	03/16/2005	(348878)
54	03/23/2005	(419605)
55	04/12/2005	(377273)
56	04/15/2005	(419606)
57	05/11/2005	(419607)
58	06/20/2005	(419608)
59	07/05/2005	(394416)
60	07/11/2005	(440748)
61	07/22/2005	(394059)
62	08/10/2005	(373721)
63	08/17/2005	(403174)
64	08/24/2005	(403097)
65	08/25/2005	(440749)
66	09/12/2005	(440750)
67	10/14/2005	(468284)
68	11/21/2005	(468285)
69	12/22/2005	(468286)
70	01/20/2006	(468287)
71	02/08/2006	(454548)
72	02/10/2006	(468282)
73	02/14/2006	(454565)
74	02/27/2006	(418333)
75	02/27/2006	(407010)
76	02/27/2006	(407360)
77	03/13/2006	(468283)
78	04/20/2006	(498096)
79	05/11/2006	(457075)
80	05/18/2006	(498097)
81	05/22/2006	(462966)
82	05/22/2006	(459365)
83	05/23/2006	(462971)
84	05/26/2006	(462753)
85	06/22/2006	(498098)
86	06/30/2006	(483478)
87	06/30/2006	(483088)
88	07/21/2006	(520114)
89	07/31/2006	(484233)
90	08/21/2006	(520115)
91	09/01/2006	(482950)
92	09/15/2006	(490299)
93	09/15/2006	(510015)
94	09/27/2006	(520116)
95	10/05/2006	(513823)
96	10/13/2006	(512280)
97	10/19/2006	(544373)
98	11/16/2006	(517348)
99	11/30/2006	(544374)
100	12/12/2006	(532836)
101	12/18/2006	(544375)
102	12/20/2006	(533720)
103	12/21/2006	(533545)
104	01/22/2007	(544376)
105	01/23/2007	(535901)
106	02/05/2007	(536180)

107 02/14/2007 (533928)  
 108 03/01/2007 (575114)  
 109 03/22/2007 (575115)  
 110 04/23/2007 (575116)  
 111 05/16/2007 (575117)  
 112 06/13/2007 (575118)  
 113 07/11/2007 (575119)  
 114 08/17/2007 (601551)  
 115 08/20/2007 (571080)  
 116 08/23/2007 (564192)  
 117 09/19/2007 (601552)  
 118 10/12/2007 (601553)  
 119 11/05/2007 (598483)  
 120 11/15/2007 (619457)  
 121 12/14/2007 (619458)  
 122 12/17/2007 (595574)  
 123 01/15/2008 (619459)  
 124 01/25/2008 (615887)  
 125 02/13/2008 (671968)  
 126 03/12/2008 (671969)  
 127 03/24/2008 (639888)  
 128 03/27/2008 (617768)  
 129 04/08/2008 (671970)  
 130 04/16/2008 (615131)  
 131 04/22/2008 (653441)  
 132 06/03/2008 (681376)  
 133 06/19/2008 (683357)

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

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  
 Date: 10/31/2007 (619457)  
 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: 04/14/2008 (615131)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)  
 5C THSC Chapter 382 382.085(b)  
 Description: Exceeded the 60 day time limit to submit a stack test report.

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

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. 2008-0621-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 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 appear before the Commission and together stipulate that:

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. 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 December 22, 2007, June 9, 2008, and June 25, 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 Thirty-Three Thousand One Hundred Forty-Four Dollars (\$33,144) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Six Thousand Five Hundred Sixteen Dollars (\$26,516) of the administrative penalty and Six Thousand Six Hundred Twenty-Eight Dollars

(\$6,628) 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.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on December 8, 2007, the Respondent removed Tank No. 810 from service for replacement or repair.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to repair seal gaps on external floating roof Tank # 810 within 45 days of the date the seal gaps were discovered, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TCEQ Air Permit No. 20246, Special Condition No. 5, 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.120(b)(8) and 63.646(a), Federal Operating Permit O-01544, Special Terms and Conditions No. 1A and 16, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 8 through 23, 2007, with a follow-up record review conducted on March 24, 2008. Specifically, the seal gap exceedances were discovered on December 15, 2006 and the Respondent failed to perform corrective actions or remove Tank # 810 from service until December 8, 2007. The amount of unauthorized emissions were quantified on March 24, 2008, when additional information submitted by the Respondent was reviewed. The amount of unauthorized emissions from Tank # 810 were determined to be 8,478 pounds ("lbs") of volatile organic compounds ("VOC") for the time period when the seal was not repaired.
2. Failed to prevent unauthorized emissions in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2008. Specifically,

1,136.72 lbs VOC, 427.72 lbs of carbon monoxide ("CO") and 47.34 lbs of nitrogen oxides ("NOx") were released when the Respondent exceeded the initial estimate for VOC emissions submitted to the agency for a scheduled air startup more than the reportable quantity, thereby making it a reportable emissions event, which began on February 21, 2008, and lasted for 22 hours (Incident No. 103639). Since this emissions event was not reported within 24 hours of discovery, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. Failed to notify the TCEQ when the actual VOC emissions exceeded the estimate provided in the initial shutdown notification by more than the reportable quantity (Incident No. 103639), in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 27, 2008.
4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 20246, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 6, 2008. Specifically, 1,042.75 lbs of VOC, 427.72 lbs of CO and 47.34 lbs of NOx were released when the Respondent exceeded the initial estimate for VOC emissions submitted to the agency for a scheduled air startup by more than the reportable quantity, thereby making it a reportable emissions event, which began on March 3, 2008, and lasted for 12 hours (Incident No. 104407). Since this emissions event was not reported within 24 hours of discovery, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
5. Failed to notify the TCEQ when the actual VOC emissions exceeded the estimate provided in the initial shutdown notification by more than the reportable quantity (Incident No. 104407), in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 6, 2008.

### 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: Pasadena Refining System, Inc, Docket No. 2008-0621-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. 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, implement procedures designed to ensure that seal gaps are repaired or storage vessels are emptied and removed from service within the required time frame, in accordance with 40 CFR § 63.120(b)(8);
- b. Within 30 days after the effective date of this Agreed Order, complete training to ensure that emissions event notifications and final reports are submitted within the required time frames; and
- c. 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. and b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

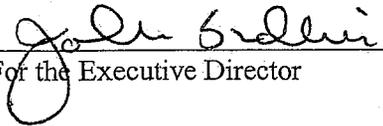
after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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. 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

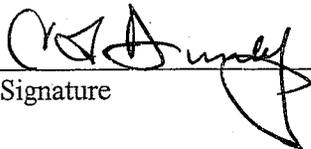
2/4/2009  
\_\_\_\_\_  
Date

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.

  
\_\_\_\_\_  
Signature

Feb. 8/2009  
\_\_\_\_\_  
Date

Charles L. Dunlap  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Pasadena Refining System, Inc

President and CEO  
\_\_\_\_\_  
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.