## EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 5 DOCKET NO.: 2008-1709-AIR-E TCEQ ID: RN100210608 CASE NO.: 36737 RESPONDENT NAME: Marathon Petroleum Company LLC

ORDER TYPE:		
<u>X</u> 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Marathon Petroleum - Texas City Refinery, 502 10th Street South, Texas City, Galveston County

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: \_\_\_\_ Yes \_\_\_\_ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The Texas Register comment period expired on July 13, 2009. No comments were received.

#### CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Harold Scott, Environmental Coordinator, Marathon Petroleum Company LLC, 502 10th Street South, Texas City, Texas 77590

Ms. Constance Bradley, Division Manager, Marathon Petroleum Company LLC, 502 10th Street South, Texas City, Texas 77590 **Respondent's Attorney:** Not represented by counsel on this enforcement matter

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VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint	Total Assessed: \$115,347	Corrective Actions Taken:
<u>X</u> Routine Enforcement Follow-up Records Review	Total Deferred: \$23,069 X Expedited Settlement	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the
Date(s) of Complaints Relating to this	Financial Inability to Pay	Plant: a. On February 18 and March 28, 2008,
Case: None Date of Investigation Relating to this	SEP Conditional Offset: \$92,278 Total Paid to General Revenue: \$0	installed plugs on drain valve, Tag No. 20058, in the UDEX Unit and a valve,
Case: May 5 through 23 and July 1, 2008 Date of NOV/NOE Relating to this Case:	Site Compliance History Classification HighAveragePoor	Tag No. 090560, in the Platformer Unit, respectively;
September 8, 2008 (NOE) Background Facts: This was a routine	Person Compliance History Classification HighX_AveragePoor	b. On May 19, 2008, emptied and degassed tank No. 111;
investigation. The case was remanded from the August 26, 2009 Commission Agenda. The case is now ready for consideration.	Major Source: X Yes No	c. On January 1, 2008, began maintaining records of monitoring for carbon canister breakthrough during tank degassing;
AIR	Applicable Penalty Policy: September 2002	d. On March 7, 2007, repaired vacuum breakers on internal floating roof tank
1) Failure to seal open-ended valves with a cap, blind flange, plug or second valve.		No. 164;
Specifically according to the operator's repair log, a drain valve, Tag No. 20058, in the Aromatic Recovery ("UDEX") Unit		e. On February 25, 2008, replaced the tank floating roof primary seal on external floating roof tank No. 518;
and a valve, Tag No. 090560, in the Platformer Unit were missing plugs on February 18, 2008 and March 28, 2008,		f. On June 5, 2008, provided records to demonstrate compliance with the
respectively [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(4), 116.715(a), and 122.143(4), 40 CODE of FEDERAL		emission limits in 30 Tex. ADMIN. CODE §§ 106.263 and 106.4(a)(1)-(3);
REGULATIONS ("CFR") §§ 60.482-6(a)(1) and 63.167(a)(1), New Source Review Permit ("NSRP") No. 22433, Special		g. By September 5, 2008, provided complete records for carbon canister design analysis;
Condition ("SC") 10.E., Federal Operating Permit ("FOP") No. O-01380, Special Terms and Conditions ("STC") 1.A. and		h. On June 19, 2008, completed the installation of a new hose arrangement
21, and Tex. Health & Safety Code § 382.085(b)].		from Lift Station 26 to the carbon canisters, and installed larger carbon canisters;
2) Failure to repair or empty and degass external floating roof tank No. 111 (containing gasoline) within 60 days of the		i. On June 16, 2008, began properly monitoring carbon canisters from Lift
discovery of pinhole leaks on the roof deck. The Respondent first discovered the		Station 26 and the Wastewater Treatmen NTO;
roof corrosion during a tank inspection on December 20, 2006 and again on December 29, 2006. Also, on June 12 and		j. By September 5, 2008, collected enough samples from the DNF effluent
December 5, 2007, the Respondent found product on the roof of the tank [30 TEX. ADMIN. CODE §§ 115.114(a)(4) and		overflow from the DNF Effluent Tank to demonstrate that the benzene concentration of the stream is less than
122.143(4), FOP No. O-01380, STC 1.A.,		10 ppmw. Also on October 9, 2007, th

and Tex. Health & Safety Code §	· · · · · · · · · · · · · · · · · · ·	Respondent resumed sampling from the
382.085(b)].		combined stream; and
3) Failure to maintain records of		,
monitoring for carbon canister		k. By July 15, 2008, developed new
breakthrough during tank degassing in		procedures that detail requirements for
2007 for tank Nos. 5 (containing pure		offsite waste notifications and completed
benzene), 127 (regular gasoline), 152		training of waste personnel.
(gasoline), and 516 (crude oil) [30 TEX.		
ADMIN. CODE §§ 115,546(2)(C) and		Ordering Provisions:
122.143(4), FOP No. O-01380, STC		
8.A.(vi), and TEX. HEALTH & SAFETY CODE		The Order will require the Respondent to
§ 382.085(b)].		implement and complete a Supplemental
		Environmental Project (SEP). (See SEP
4) Failure to maintain vacuum breakers		Attachment A)
(automatic bleeder vents) on internal		
floating roof tank No. 164 (containing		
heavy naphtha) in a closed position during		
normal operation. Specifically, the		
vacuum breakers were noted as being stuck	2	
in the open position during the		
Respondent's tank inspection on		
December 27, 2006. The vacuum breakers		
were determined to be of poor design		
which prevented re-seating; however, they		
were not repaired until March 7, 2007 [30		
Тех. Admin. Code §§ 101.20(2),		
115.112(a)(2)(B), and 122.143(4), 40 CFR		
§§ 63,119(b)(4) and 63.646(a), FOP No.		
O-01372, STC 1.A., and TEX. HEALTH &		
SAFETY CODE § 382.085(b)].		
5) Failure to repair the tank floating roof		
primary seal, empty the tank, or request an		
extension for seal repair within 45 days of		
determining that the seal needed		
replacement on external floating roof tank		
No. 518 (containing crude oil).		
Specifically, during the Respondent's tank inspection on September 27, 2007, it was		
determined that the primary seal needed to		
be replaced. The Respondent was required		
to repair the seal, empty the tank, or		•
request an extension by November 11,		
2007. The primary seal was not replaced		
until February 25, 2008 [30 Tex. Admin.		
CODE §§ $101.20(2)$ and $122.143(4)$ , 40		
CFR §§ 63.120(b)(8) and 63.646(a), FOP		
No. O-01380, STC 1.A., and TEX. HEALTH		
& SAFETY CODE § 382.085(b)].		
6) Failure to maintain records to		
demonstrate compliance with the emission		
limits in 30 Tex. Admin. Code §§		
106.263, and 106.4(a)(1)-(3). Specifically,		
ten planned maintenance, startup, and	ļ	
shutdown tank landing events occurred		
between January 5, 2007 and February 18,		
2008. Records containing sufficient		
information to demonstrate compliance		
were not available when requested during		
the investigation [30 TEX. ADMIN. CODE §§		
106.263(g) and 122.143(4), FOP No. O-		

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<ul> <li>01380, STC 21, and The. Hustmit &amp; Sharer Cone 3 \$32, 085(0).</li> <li>7) Failure to maintain records of design analysis for carbon cantisters [30 Thx. ADMR. CORE § 101, 202(2) and 122, 143(4), 40 CTR § 61, 356(0)21(0)(6).</li> <li>FOP No. 0-01380, STC 1.A., and Ths. Hearin &amp; Sharer Cone § 3382(5)(1).</li> <li>S) Failure to maintain and operate Lift Station 26 carbon canisters in a manner consistent with ugod air pollution control panetices for minimizing emissions. Specifically, monitoring records from January 2008 furcagi. May 2008 indisated bazzene concentrations maging from 100 up to 1,000 parts per million (2ppm) 'j form the lead canisters and up to 399 pm from the lead canisters and up to 399 pm from the lead canisters and up to 399 pm from the lead canisters and up to 399 pm from anary 2008 furcagi. May 2008 indisated bazzene concentrations maging point form the lead canisters and up to 399 pm from the lead canisters. Specifically, the and Tax. Hazat. &amp; SARET Coron § 320.085(0)].</li> <li>9) Failure to properly conduct monitoring of eatbon canisters. Specifically, the Respondent failed to monitor the following downary 1 through to New Thermal Ordinger (TYD) from May 3 through to and the statement of home and the following the carbon canisters at Lift Ordinger (TYD) from May 3 through the 16, 2008. Also, per the Respondent's 40 CFR Part of Jahnpet FF third quarter erport dated October 30, 2007, the monitoring the carbon canisters at Lift Station 2.6 from Augus 30, 2007 through Ordinger (TYD) from May 3 through the HEA (2007, BT C) Have Augus 40, 2007 through Ordinger (TYD) from May 3 through the HEA (2007, BT C) Have Augus 40, 2007 through Ordinger (TYD) from May 3 through the HEA (2007, BT C) Have Augus 40, 2007 through Ordinger (TYD) from May 3 required. Specifically, the DYF effluence to reflow the form and TX. Havenet Also Have Terma energy the Hamed Biodegradation thus the Statement Biodegradation the HEB (1), however, the berzare concentration of this waste stream has not been monitored to d</li></ul>
Super: Come § 382.485(b): 7) Pailure to maintain records of design analysis for carbon caristers 10 Thx. Pownor. Courts § 101.20(2) and 122.143(4). 40 CFR § 61.356(b(2)(b(G), FOP No. O-40180, SYIC 1.4., and Thx. HeALTH & SAREY CODE § 382.085(b)]. 8) Pailure to maintain and operate Lift Station 26 carbon caristers in a manner consistent with good air pollution control practices for minimizing creatives indicated beerzene concentrations ranging from 100 up to 1.000 parts per million (Pprf) from the lag caristers per million (Pprf) from the lag caristers or Port No. Cools § 101.20(2) and 122.143(4).40 CfR § 61.12(c), FOP No. O-01380, STIC 1.2., and Tax. HEALTH & SAREYT CODE § 328.085(b)]. 9) Failure to properly conduct monitoring of endon, caristers. Sheerifically, the Respondent filed to monitor the following on weekends and holidays. Lift Station 26 from January 2008 August Dirough June 16, 2008. Aksay, per the Respondent's 40 CFR Part 6, Subpart FF Mitor quite report dated Corober 30, 2007, the maintoring the carbon canisters at Lift Station 25 Corobe 30, 2007, the maintoring the arbon canisters at Lift Station 26 from Angust 30, 2007 those maintoring the arbon canisters at Lift Station 26 from Angust 30, 2007 those maintoring the arbon canisters at Lift Station 26 from Angust 30, 2007 those maintoring the Disk 212.443(4) ACTR § 61.354(d), FOP No. O-01380, STIC 1.A., and Tax. Histance Stickoprelation Lift ("EBU") monthy as required. Specifically, and 122.444(4) ACTR § 61.354(d), FOP No. O-01380, STIC 1.A., and Tax. Histance Stickoprelation Cubiter ("FDF) Those Mays 14 Course § 332.085(b)]. 10) Fallure to nonitor the waste streams meeting the Embanded Biodegnelation Cubiter (EBU") monthy as required. Specifically, the DNF effluent verthow from the Dissolved Nirrogen Plotation ("PMT") Effluenced Thiodegnelation Cubiter (EBU") monthy as required. Specifically, the month of the arbon tore waster the EBU; however, the berezee concentration that the beerance concen
<ul> <li>7) Fallure to maintain records of dusign analysis for each cansisters (1) and (2) The. Assume. Core § 101.20(2) and (2) 143(4), 40 CTR § 61.356(9) 20(3)(6), FOP No. O-0.1306, STC 1.A., and TEX. Hearm &amp; SARRY CODE § 382.085(b)].</li> <li>8) Yallure to maintain and operate Lill Station 26 arbon cansisters in a manner consistent with good air polution control practices for minimizing consistons. Specifically, monitoring records from Tanuary 2008 through May 2008 indicated became concentrations malo prevent and the second state of the control of the</li></ul>
<ul> <li>7) Fallure to maintain records of dusign analysis for each cansisters (1) and (2) The. Assume. Core § 101.20(2) and (2) 143(4), 40 CTR § 61.356(9) 20(3)(6), FOP No. O-0.1306, STC 1.A., and TEX. Hearm &amp; SARRY CODE § 382.085(b)].</li> <li>8) Yallure to maintain and operate Lill Station 26 arbon cansisters in a manner consistent with good air polution control practices for minimizing consistons. Specifically, monitoring records from Tanuary 2008 through May 2008 indicated became concentrations malo prevent and the second state of the control of the</li></ul>
<ul> <li>analysis for carbon canisters [30 Tex.</li> <li>Arome, Cores § 101.20(2) and</li> <li>122.143(4), 40 CFR § 6.1.356(D(2)(K)(6),</li> <li>FOP No. O-01805, STC 1.4., and Tex.</li> <li>HeALTH &amp; SAPETY CODE § 382.085(b)].</li> <li>8) Failure to mulnitin and operate Lift</li> <li>Station 26 control casistes in anamer</li> <li>consistent with groat air pollution control</li> <li>practices for maintaining emissions.</li> <li>Specifically, monitoring records from</li> <li>January 2008 introdgi, May 2008 indicated</li> <li>berzzee concentrations maing from 100</li> <li>up to 1,000 parts per million ("ppm") from</li> <li>the lead emissions and up to 399 ppm from</li> <li>the lead emissions and up to 399 ppm from</li> <li>the lead emissions.</li> <li>Specifically, monitoring records (CFR §</li> <li>61.12(c), FOP No. O-01380, STC 1.2., and</li> <li>Thur to properly conduct monitoring</li> <li>of cathon canisters. Specifically, the</li> <li>Respondent failed to monitor the following</li> <li>on weekends and holidaya. Lift Station 26</li> <li>foro January 1 through June 16, 2008 and</li> <li>the Wastewater Teatment New Thermal</li> <li>Oxidiger ("TYTO") from May 3 through</li> <li>How Is, 2009 130, STC 1.2., and</li> <li>the Wastewater Sheerifically, the</li> <li>Respondent failed to monitor the following</li> <li>on weekends and holidaya. Lift Station 26</li> <li>foro January 1 through June 16, 2008 and</li> <li>the Wastewater States. Specifically, the Respondent's</li> <li>40 CFR Part 61, Subpart FF thrid quarter</li> <li>report dated Cotor 30, 2007 through</li> <li>Cotor 27, 2007 150 TEX. Answ. Coon</li> <li>§ 510.12(2) and 122.143(4), 40 CFR §</li> <li>61.35(6), TOP No. O-01380, STC 1.A., and</li> <li>and Tex. Hatartt &amp; Saverry Cool §</li> <li>32.05(5)].</li> <li>10) Failure to monitor the waste streams emering the Enhanced Biologendation</li> <li>Unit ("EBU") monitory is required.</li> <li>Specifically, the Difference of the optimited waste</li> <li>the EBU, however, the Genzane comentation of this waste streams</li></ul>
A bosin. Core § 101.20(2) and 122.143(4), 40, CTR § 61.35(9)(2)(0)(G), FOP No. C-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Yallure to maintain and operate Lift Station. 26 earbon cansiters in a manner consistent with good air pollution control practices for minimizing crimissions. Specifically, nonitoring records from Immury 2008 through Nay 2008 indisated benzame concentrations ranging from 100 up to 1,000 parts per million (2pm <sup>3</sup> ) from the lead consistent with go ppm from the lead consistent with 2008 for the constraint and Tex. HEALTH & SAFETY CODE § 332.085(b)]. 9) Pallure to properly conduct monitoring of earbon canditers. Specifically, the Respondent failed to monitor the following on weekends and holidays: Lift Station 26 from January 100, Horough January 100, the Constract (TPC) from May at Horough Janu 16, 2008. Alaxy are the Respondents 40 CFR Part 1. Subgraft PT hitting January 40 CFR Part 1. Subgraft PT hitting January 41 Daviewater Treatment New Thermal 40 CFR Part 1. Subgraft PT hitting January 41 Daviewater Treatment New Thermal 40 CFR Part 1. Subgraft PT hitting January 42 DT (2D (TB) TEX ADMIN, CODI 43 Station 25 from Angust 30, 2007, the monatoring the arbon assisters at Lift 53 Station 25 from Angust 30, 2007, the monatoring the Lift Adviewater Streams eatering the Enhanced Biodegradulon UDI (CERUT) monathy as required. 53 Station 25 from the Subgraft Adviewater 53 Station 25 from the Adviewater Streams eatering the Enhanced Biodegradulon UDI (CERUT) monathy as required. 54 Station 25 from the combined wate the EBU, however, the Benzare concentration of this wates streams has not been maninore of the combined wates 54 Station 10 For the combined wates 55 Station 10 For the combined wates 55 Station 25 from the combi
A bosin. Core § 101.20(2) and 122.143(4), 40, CTR § 61.35(9)(2)(0)(G), FOP No. C-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Yallure to maintain and operate Lift Station. 26 earbon cansiters in a manner consistent with good air pollution control practices for minimizing crimissions. Specifically, nonitoring records from Immury 2008 through Nay 2008 indisated benzame concentrations ranging from 100 up to 1,000 parts per million (2pm <sup>3</sup> ) from the lead consistent with go ppm from the lead consistent with 2008 for the constraint and Tex. HEALTH & SAFETY CODE § 332.085(b)]. 9) Pallure to properly conduct monitoring of earbon canditers. Specifically, the Respondent failed to monitor the following on weekends and holidays: Lift Station 26 from January 100, Horough January 100, the Constract (TPC) from May at Horough Janu 16, 2008. Alaxy are the Respondents 40 CFR Part 1. Subgraft PT hitting January 40 CFR Part 1. Subgraft PT hitting January 41 Daviewater Treatment New Thermal 40 CFR Part 1. Subgraft PT hitting January 41 Daviewater Treatment New Thermal 40 CFR Part 1. Subgraft PT hitting January 42 DT (2D (TB) TEX ADMIN, CODI 43 Station 25 from Angust 30, 2007, the monatoring the arbon assisters at Lift 53 Station 25 from Angust 30, 2007, the monatoring the Lift Adviewater Streams eatering the Enhanced Biodegradulon UDI (CERUT) monathy as required. 53 Station 25 from the Subgraft Adviewater 53 Station 25 from the Adviewater Streams eatering the Enhanced Biodegradulon UDI (CERUT) monathy as required. 54 Station 25 from the combined wate the EBU, however, the Benzare concentration of this wates streams has not been maninore of the combined wates 54 Station 10 For the combined wates 55 Station 10 For the combined wates 55 Station 25 from the combi
<ul> <li>122.143(1), 40 CFR § 41.356()(2)()(6), FOP No. O-(1380, STC 1.4., and Tix. H+X:1H &amp; SAFETY CODE § 382.085(b)].</li> <li>8) Fullue to maintain and operate Lift Station 26 each canisters in a mamer consistent with good air pollution control practices for minimizing enricesions. Specifically, monitoring records from Lamary 2008 through May 2008 indicated herzene concentrations manging from 100 herzene concentrations from 100 herzene concentration 10 herzene streams herzene technical transference herzene concentration is less threams herzene technical transference herzene concentration is less t</li></ul>
<ul> <li>POP No. Q-01380, STC 1.A., and Tix. HeArrH &amp; SAFET CODE § 382.085(b)].</li> <li>SP fullue to maintain and operate Lift</li> <li>Station 26 exbau canisters in a manner consistent with good air pollution control practices for minimizing emotissions.</li> <li>Specifically, monitoring records from January 2008 funcy flag. 2008 indicated berzene concentrations ranging from 100 up to 1.020 puts per million (Ppm) from the lead canisters and up to 959 ppm from the lead canisters [30 Tax. AssNn: CODE § 101.20(2) and 122.143(4), 40 CFR § 6.112(c), FPO No. O-01380, STC 12.E., and Tax. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>P) Failure to properly conduct monitoring of carbon canisters. Specifically, the Respondent field to maintor the following on weekends and holidays. Lift Station 26 from January 1 Horugh Janu E 6, 2008 and the Wastewater Treatment New Thermal Oxidizer (YNTO') from May 3 through June 16, 2008. Also, per the Respondent's 40 CFR Part 61, Subpart FF third quarter report dated Corbor 30, 2007, the monitoring technician was incorrectly monitoring technician was incorrectly monitoring technician was incorrectly monitoring the ONIG 1307. KAMUR CODE § 382.085(b)].</li> <li>J0 Failure to monitor the waste streams entering the Phanneed Biodegradation Utit (F2BET) monitoring the Biodegradation Utit (F2BET) monitoring the Biodegradation Utit (F2BET) monitoring the Biodegradation Utit (F2BET) Philoset Tank periodically enters the EBU, however, the barzene concentration of this waste streams entering the Phanneed Biodegradation Utit (F2BET) Effluent Tank periodically enters the EBU, however, the barzene concentration of the streams entering the Tank periodically enters the EBU, however, the barzene concentration of the stream Streams entering the Tank periodically enters the EBU, however, the barzene concentration of the stream Streams entering the Tank periodically enters the EBU, however, the barzene concentration of the stream Stream Bar Not beern monitoring the barzene concentration of the stream St</li></ul>
<ul> <li>HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>S) Pullure to maintain and operate Lift.</li> <li>Station 36 carbot carbitstic in a manner consistent with good air pollution control practices for minimizing emissions.</li> <li>Specifically, monitoring records from 1 answer 2008 (through May 2008 indicated berzere concentrations ranging from 100 up to 1,000 patts per million ("ppm") from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the targe carbitsters (30 TRX. ADMIN. CODE § § 101.20(2) and 122.143(4), 40 CFR § 6</li> <li>9) Failure to property conduct monitoring and rext the Asterity &amp; Safety CoDE § 382.085(b)].</li> <li>9) Failure to property conduct monitoring to arbot carbitster. Specifically, the Respondent failed to monitor the following from January 11 through June 16, 2008. Also, per the Respondent's 40 CFR # af 6, 1200, 70 from May at through June 16, 2008. Also, per the Respondent's 40 CFR # af 6, 3000 from Juney 11 through June 16, 2008 and the Wastewater Treatment. New Thermal Oxidizer (TNTO) from May at 700 from May 500 from Juney 11 through June 16, 2008 and the Safety CoDE § 313(4), PON to Orlang, STC 1.A., and TRX. HEALTH &amp; SARTY CODE § 3810.05(b)].</li> <li>10) Failure to nonitor the waste streams entering the Enhanced Biologradation Unit ("EBIX") monitoring the carbon consister at L10. Solution TF find quarter the transmitter to monitor the vaste streams entering the Enhanced Biologradation Unit ("EBIX") monitoring the carbon consister at L10. Solution TF hird quarter the DEBU; however, the bornzen to construct the stream stream fing the Enhanced Biologradation Unit ("EBIX") monitoring the carbon consister at L10. Solution TF hird quarter the DEBU; however, the bornzen to concentration</li></ul>
<ul> <li>HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>S) Pullure to maintain and operate Lift.</li> <li>Station 36 carbot carbitstic in a manner consistent with good air pollution control practices for minimizing emissions.</li> <li>Specifically, monitoring records from 1 answer 2008 (through May 2008 indicated berzere concentrations ranging from 100 up to 1,000 patts per million ("ppm") from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the lead carbitsters and up to 990 ppm from the targe carbitsters (30 TRX. ADMIN. CODE § § 101.20(2) and 122.143(4), 40 CFR § 6</li> <li>9) Failure to property conduct monitoring and rext the Asterity &amp; Safety CoDE § 382.085(b)].</li> <li>9) Failure to property conduct monitoring to arbot carbitster. Specifically, the Respondent failed to monitor the following from January 11 through June 16, 2008. Also, per the Respondent's 40 CFR # af 6, 1200, 70 from May at through June 16, 2008. Also, per the Respondent's 40 CFR # af 6, 3000 from Juney 11 through June 16, 2008 and the Wastewater Treatment. New Thermal Oxidizer (TNTO) from May at 700 from May 500 from Juney 11 through June 16, 2008 and the Safety CoDE § 313(4), PON to Orlang, STC 1.A., and TRX. HEALTH &amp; SARTY CODE § 3810.05(b)].</li> <li>10) Failure to nonitor the waste streams entering the Enhanced Biologradation Unit ("EBIX") monitoring the carbon consister at L10. Solution TF find quarter the transmitter to monitor the vaste streams entering the Enhanced Biologradation Unit ("EBIX") monitoring the carbon consister at L10. Solution TF hird quarter the DEBU; however, the bornzen to construct the stream stream fing the Enhanced Biologradation Unit ("EBIX") monitoring the carbon consister at L10. Solution TF hird quarter the DEBU; however, the bornzen to concentration</li></ul>
<ul> <li>8) Fullure to maintain and operate Lift</li> <li>Station 26 carbon canisters in a manner consistent with good air pollution controll practices for milmizing emissions.</li> <li>Specifically, monitoring records from harvary 2006 through May 2008 indicated berzzne concentrations ranging from 100 up to 1,000 parts per million (ppm)" from the lead canisters and up to 399 ppm from the lead canisters [30] TAX. Abank. CODE §§ 101.20(2) per No. Col1380, ST 12.E., and TaX. HEALTH &amp; SAMPTY CODE § 382.085(b)].</li> <li>9) Failure to properly conduct monitoring of carbon canisters. Specifically, the Respondent field to monitor the following an weekends and boliays. Lift Station 26 from January 11 through Jane 16, 2008 and the Wastewater Testiment New Thermal Oxidizer ("NTO") from May 3 through June 16, 2008. Also, per the Respondent's do CPR Part 61, Subpart FF third quarter report dated Corbor 30, 2007, the monitoring technician was incorrectly monitoring the carbon canisters at Lift Station 26 from August 30, 2007 through Getter 24, 2007 (30 TEX. Abank. Cone §§ 101.20(2) and 122.143(4), 40 CPR § 61.354(c), UPP No. O-01380, STC 1.A., and TEX. HEALTH &amp; SAMPTY CORE § 332.085(b)].</li> <li>10) Failure to monitor the waste streams entering the Enhanced Biodegradation Unit ("EBEC") mounthy as required.</li> <li>Specifically, the DNP effuent overflow from the Dussible Nitro. Pointer May 1400 (STC 1.A., and TEX. HEALTH &amp; SAMPTY CORE § 332.085(b)].</li> <li>10) Failure to monitor the waste streams entering the Enhanced Biodegradation Unit ("EBEC") mounthy as required.</li> <li>Specifically, the DNP effuent overflow from the Dussible Nitrogen Floation ("DNP") Effluent The periodically enters the EBU, however, the beazene concentration of this waste stream has not been monitored to demonstrate that the beazene occcontration is lists at a Darba weighted annual average basis. Also, during the monitor of the combined waste</li> </ul>
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# **RESPONDENT NAME:** Marathon Petroleum Company LLC **DOCKET NO.:** 2008-1709-AIR-E

382.085(b)].
11) Failure to provide proper notification with each shipment of waste for offsite treatment. Specifically, portions of the shipments on January 31, 2007 and September 11, 2007 did not have the required documents sent with the shipments [30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.342(f)(2), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s).: GB0055R

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#### <u>Attachment A</u> Docket Number: 2008-1709-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	MARATHON PETROLEUM COMPANY LLC
Penalty Amount:	Ninety-Two Thousand Two Hundred Seventy-Eight Dollars (\$92,278)
SEP Offset Amount:	Ninety-Two Thousand Two Hundred Seventy-Eight Dollars (\$92,278)
Type of SEP:	Custom
Location of SEP:	Galveston County

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

#### 1. **Project Description**

#### A. <u>Project</u>

The Respondent shall operate and maintain the existing off-site ambient air benzene and meteorological monitoring station from January 1, 2010 through December 31, 2010; and shall upload the resulting data to the TCEQ Leading Environmental Analysis and Display System ("LEADS") data system. The ambient benzene monitor is located between 11<sup>th</sup> Street and 12<sup>th</sup> Street and 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue in Texas City on the north side of the Respondent's refinery in Texas City, Texas. The monitoring site will be listed as the Texas City 11<sup>th</sup> Street monitor on all agency web pages, documents and publications. The Respondent has previously agreed under an existing unrelated Consent Decree to operate the off-site monitor until December 31, 2009. This SEP will provide an additional twelve months of ambient air benzene and meteorological monitoring and data, as well as improve the data availability and add an alert system for elevated ambient air benzene levels.

Commencing January 1, 2010, the Respondent shall also utilize an Environmental Monitoring Response System ("EMRS") system that will notify the Respondent's staff in the event that the off-site monitor detects ambient hourly average benzene levels of 20 parts per billion ("ppb") or higher. The Respondent agrees to commence an investigation into the potential source of elevated levels of ambient air benzene and abate, if possible, the cause of elevated sources from its facility.

The Respondent shall use a qualified contractor to operate and maintain the monitor, perform system calibrations and data validation, audit the measurement systems performance, and to ensure that data is linked and uploaded to the TCEQ. The Respondent shall submit a Quality Assurance Performance Plan (QAPP) or Scope of Work acceptable to TCEQ upon commencement of the monitoring period. The Respondent shall obtain the necessary licenses and any associated subscription fees from IPS MeteoStar for uploading the benzene and meteorological data into the TCEQ LEADs system. The Respondent or its contractor shall also provide contact information and be available during normal business hours to answer questions in a timely manner regarding the data quality from measurements obtained at this site. Any data made publicly available

Marathon Petroleum Company LLC Agreed Order Docket 2008-1709-AIR-E Attachment A

will be validated by the Respondent's contractor within forty-five days of being uploaded to the LEADS system. The data may be made publicly available by TCEQ after the Respondent's validation.

The Respondent and its agents shall perform this Project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including the invoiced costs of the contractor related to the SEP and IPS MeteoStar related fees, and no portion shall be spent on the Respondent's administrative costs.

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

#### B. Environmental Benefit

This Project will provide a discernible environmental benefit by providing data through which causal factors of elevated ambient air benzene may be determined. The system will serve as an early warning of any events at the site or neighboring sites that could have an impact on public health in the community. Also, the evaluation of long-term data may provide information regarding possible long-term health effects. The Project will allow an additional twelve months of monitoring of ambient air benzene concentrations, and will assist the Respondent and regulatory agencies in more rapidly addressing this potential air pollutant in the Texas City area.

## C. <u>Minimum Expenditure</u>

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

#### 2. Performance Schedule

No later than December 31, 2009, the Respondent shall establish the EMRS systems and have the system fully operational.

To meet the requirements of this Agreed Order, the Respondent shall operate the ambient air benzene monitor and meteorological monitoring system for twelve consecutive months beginning not later than January 1, 2010 and not ending before December 31, 2010 and shall continuously operate the EMRS system for twelve consecutive months.

Due Date	Requirement	Responsible Party
12/31/2009	EMRS established and	Marathon
	operational	
1/1/2010	Commence benzene monitoring	Marathon
1/31/2010 (monthly thereafter)	Upload data to LEADS	Marathon
3/17/2010 (every 45 days	Complete LEADS data validation	Marathon
following month end thereafter)		
3/17/2010 (every 45 days	LEADS data may be made	TCEQ
following month end thereafter)	publically available	
4/30/2010	1 <sup>st</sup> Progress Report	Marathon
12/31/2010	Cease benzene monitoring	Marathon
1/31/2011	2 <sup>nd</sup> Progress Report	Marathon
3/31/2011	Final Report	Marathon

MARATHON PETROLEUM COMPANY, LLC Agreed Order Docket 2008-1709-AIR-E Attachment A

## 3. Reporting

### A. <u>Progress Reports</u>

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit an electronic Progress Report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. Commencing April 30, 2010, Electronic Progress Reports shall be provided quarterly until the end of the project period. The quarterly Progress Reports shall describe the investigation findings and follow-up for all measured values over 20 ppb. The Progress Reports will also include a data quality summary section documenting measurement data accuracy, precision, and completeness as well as any measurement system performance audit or incident investigation findings during the quarter and an explanation of any significant changes to the data during data validation (e.g. invalidating or changing measured values over 20 ppb).

## B. <u>Final Report</u>

Within 90 days after completion of the project, the Respondent shall submit a Final Report to the TCEQ which includes:

- 1. A statement that the project has been completed in its entirety;
- 2. An itemized list of expenditures and total of costs incurred with receipts, copies of checks, or other verifying documentation attached;
- 3. Photographs of the project;
- 4. A statement of quantifiable environmental benefits; and
- 5. Any additional information Respondent believes will demonstrate compliance with this Attachment A.

## C. <u>Address</u>

The Respondent shall submit all SEP reports and any requested additional information to the following addresses:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Houston Regional TCEQ Office Attention: Air Program Manager Texas Commission on Environmental Quality 5425 Polk Ave., Ste. H Houston, TX 77023-1452

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#### MARATHON PETROLEUM COMPANY, LLC Agreed Order Docket 2008-1709-AIR-E Attachment A

Monitoring Operations Division Attention: David Carmichael, MC-165 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Additional SEP Information and Monitoring Site Access

The Respondent shall provide any additional SEP information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds.

#### 5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a separate attached note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to the Texas Commission on Environmental Quality and mail it to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 6. Publicity

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

## 7. Clean Texas Program

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

## 8. Other SEPs by TCEQ or Other Agencies

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

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	ordinator Miriam Hall			
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NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%	
	Other written NOVs	8	16%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%	
Orders	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		50%	
Judgments	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</i> <i>criteria</i> )	0	0%	
and Consent Decrees	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)	1	··1%	
	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%	
		se Enter Yes or No		
	Environmental management systems in place for one year or more	Na	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	INC	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 P	ercentage (Si	btotal 2)	170%
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Compliance History Notes	The penalty was enhanced for nine same or similar NOVs, eight unrelated NOVs, three orde denial of liability, and two orders without a denial of liability (one state and one federal order was reduced for one Notice of Audit.	ers containing a ). The penalty		
	Total Adjustment Percentage	(Subtotals 2	2, 3, & 7)	170%

Screening Date	27-Oct-2008	Doi	<b>ket No.</b> 2008-1709-/	AIR-E	PCW
	Marathon Petroleum	Company LLC			vislan 2 (September 2002)
Case ID No. Reg. Ent. Reference No.				PC	W Revision June 12, 2008
Media [Statute]					
Enf. Coordinator	Miriam Hall				
Violation Number	<u></u>				
Rule Cite(s)	Code of Federal R Review Permit ("N	de §§ 101.20(1) and (2), tegulations ("CFR") §§ 60 SRP") No. 22433, Specia 5. O-01380, Special Term Tex. Health & Safety	.482-6(a)(1) and 63.16 I Condition ("SC") 10.E s and Conditions ("STC	7(a)(1), New Source	
Violation Description	Specifically accord Aromatic Recover	open-ended valves with a ding to the operator's rep y ("UDEX") Unit and a va plugs on February 18, 20	air log, a drain valve, Ta lve, Tag No: 090560, in	ig No. 20058, in the i the Platformer Unit	
				Base Penalty	\$10,000
>> Environmental, Property an					
Release		arm derate Minor			
OR Actual Potential		x	Percent [	10%	
>>Programmatic Matrix Falsification	Major Mo	derate Minor			
			Percent [	0%]	
Matrix Notes Exceed levels t	or the environment that are protective of	could have been exposed human health or environ	l to insignificant emissi nental receptors as a r	ons which would not esult of this violation.	
			Adjustment	\$9,000	
				Γ	\$1,000
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	Two single e	events are recommended	(one for each valve).		
Good Faith Efforts to Comply		25.0% Reduction			\$500
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	N/A	(mark with x)		·····	
	Notes	open ended valves were the NOE was issued	repaired by March 28, 2 on September 8, 2008		
				Violation Subtotal	\$1,500
Economic Benefit (EB) for this	violation	<b>.</b>	Statutory	Limit Test	
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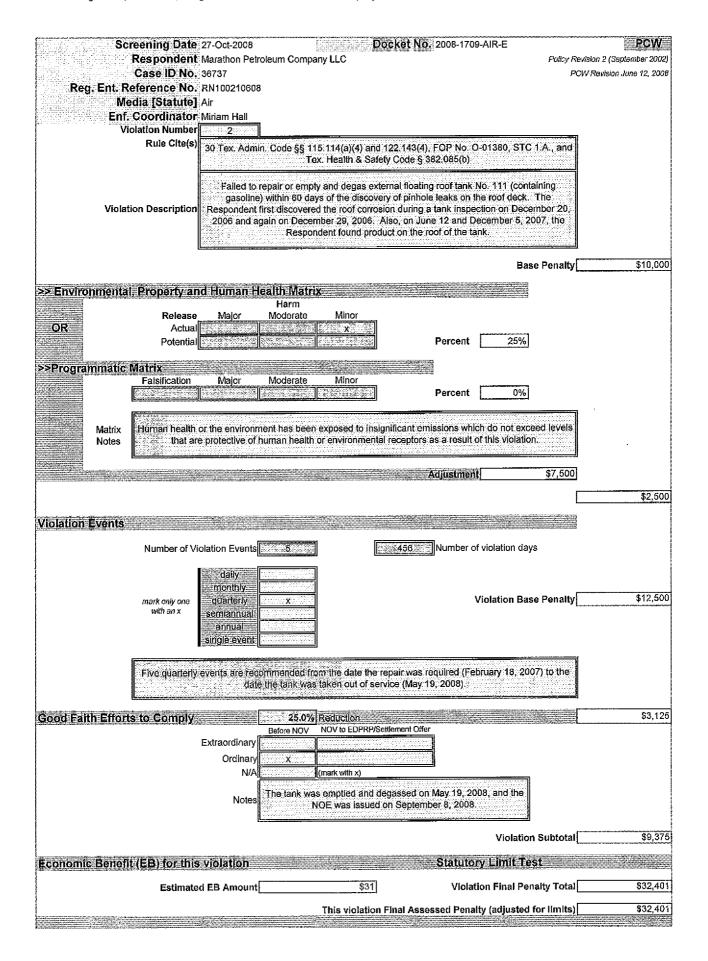
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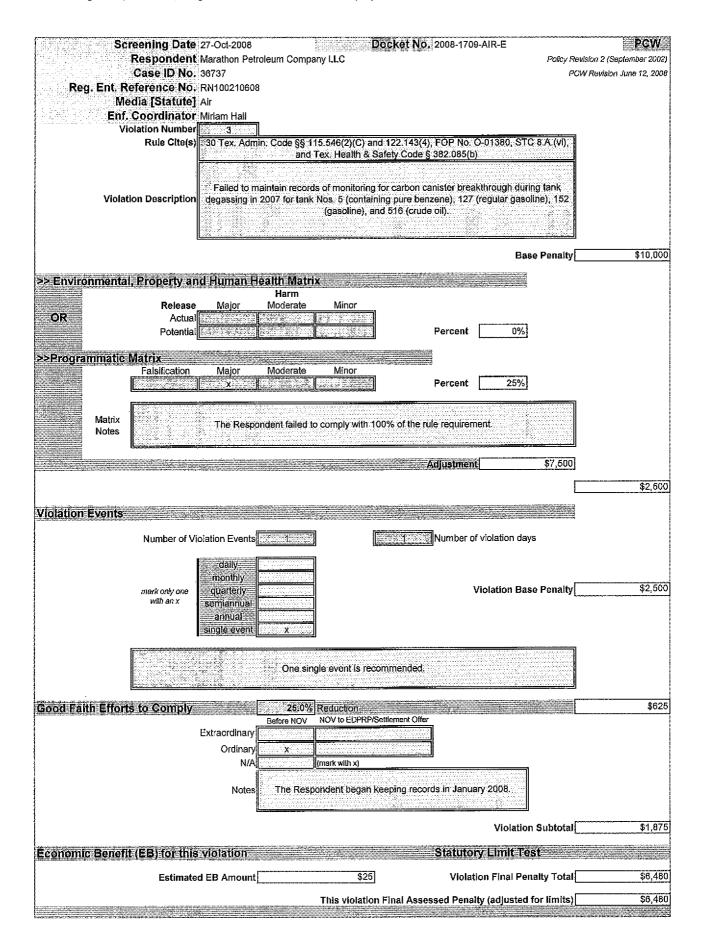
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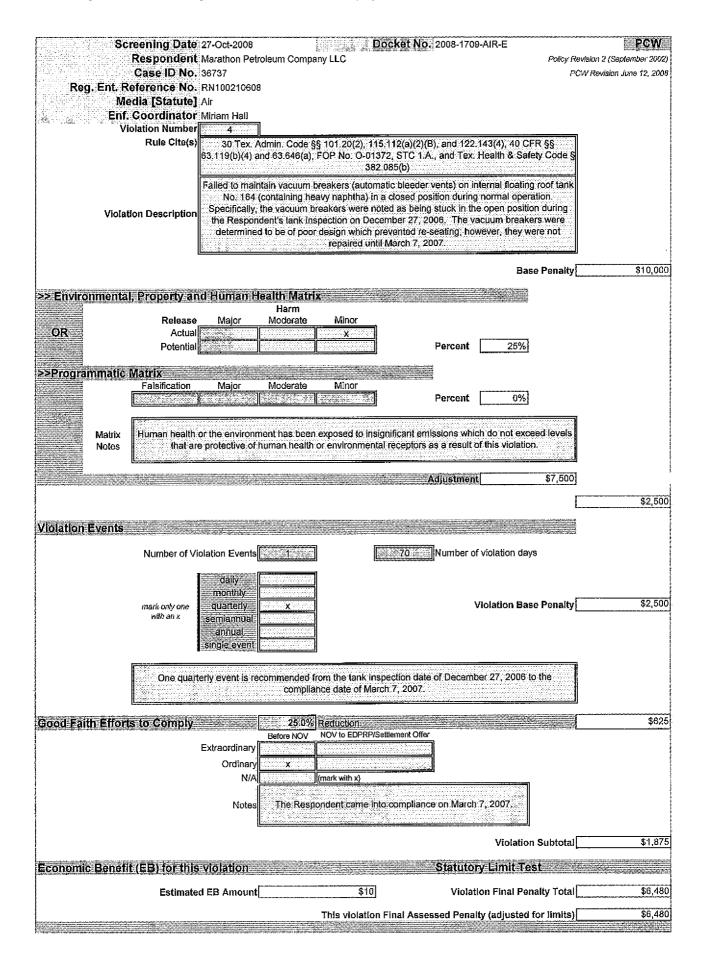
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Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	<b>\$0</b>
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	18-Feb-2008	28-Mar-2008	0.11	\$0	n/a	\$0
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Engineering/construction				0.00	\$0 \$0	\$0 n/a	\$0 \$0
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Delayed Costs							u de <b>est</b> ir
Equipment		1		0.00	50	\$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	\$500	1-Jan-2007	<u>1-Jan-2008</u>	1.00	\$25	n/a	\$25
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a r/a	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
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Disposal				0.00	\$0	\$0	<b>\$</b> 0
Personnel	<u></u>			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							



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Screening Date		Docket No. 2008-1709-AIR-E	PCW
Respondent Case ID No.	Marathon Petrolei 36737	um Company LLC	Policy Revision 2 (September 2002) PCW Revision June 12, 2008
Reg. Ent. Reference No.	RN100210608		
Media [Statute] Enf, Coordinator			
Violation Number			
	30 Tex. Admin. C	ode §§ 101.20(2) and 122.143(4), 40 CFR §§ 63.120(b)(8) and	
	FOP No,	O-01380, STC 1.A., and Tex. Health & Safety Code § 382.085	2 <b>(C)</b>
		he tank floating roof primary seal, empty the tank, or request an	
	floating roof tank	thin 45 days of determining that the seal needed replacement of No. 518 (containing crude oil). Specifically, during the Resport	dent's tank
Violation Description		eptember 27, 2007, it was determined that the primary seal new tespondent was required to repair the seal, empty the lank, or i	
	extension by No	wember 11, 2007. The primary seal was not replaced until Fel 2008.	oruary 25,
		Ba	se Penalty \$10,000
>> Environmental, Property an	d Human Heal		
Release	Major M	Harm Aoderate Minor	
OR Actual Potential		Percent 25%	
>>Programmatic Matrix Falsification	Major N	Aderate Minor	
		Percent 0%	
		t has been exposed to insignificant emissions which do not ex- nan health or environmental receptors as a result of this violation	
		Adjustment	\$7,500]
			\$2,500
Violation Events			
Number of Vir	olation Events	2 Number of violation da	VS
			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	daily monthly		
mark only one	quarterly	X Violation Ba	se Penalty \$5,000
with en x	semiannual annual		
	single event		
		nended from the due date (November 11, 2007) to the actual c	ompliance
	events are recomm	date (February 25, 2008).	
	<u>en en e</u>		
Good Faith Efforts to Comply	B	efore NOV NOV to EDPRP/Settlement Offer	\$1,250
	Extraordinary		
	Ordinary N/A	X (mark with x)	
	Notes	he Respondent came into compliance on February 25, 2008.	
	E-main more	Violatic	on Subtotal \$3,750
Economic Benefit (EB) for this	violation	Statutory Limit T	est
Estimate	d EB Amount	\$5,305 Violation Final Pe	naity Total \$12,960
	k	This violation Final Assessed Penalty (adjusted	
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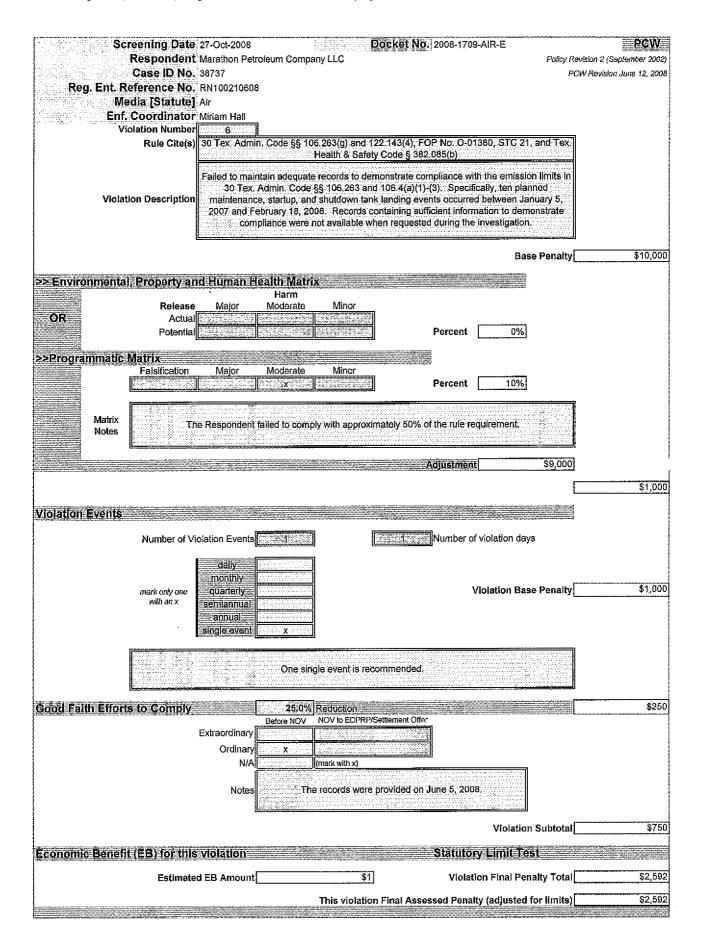
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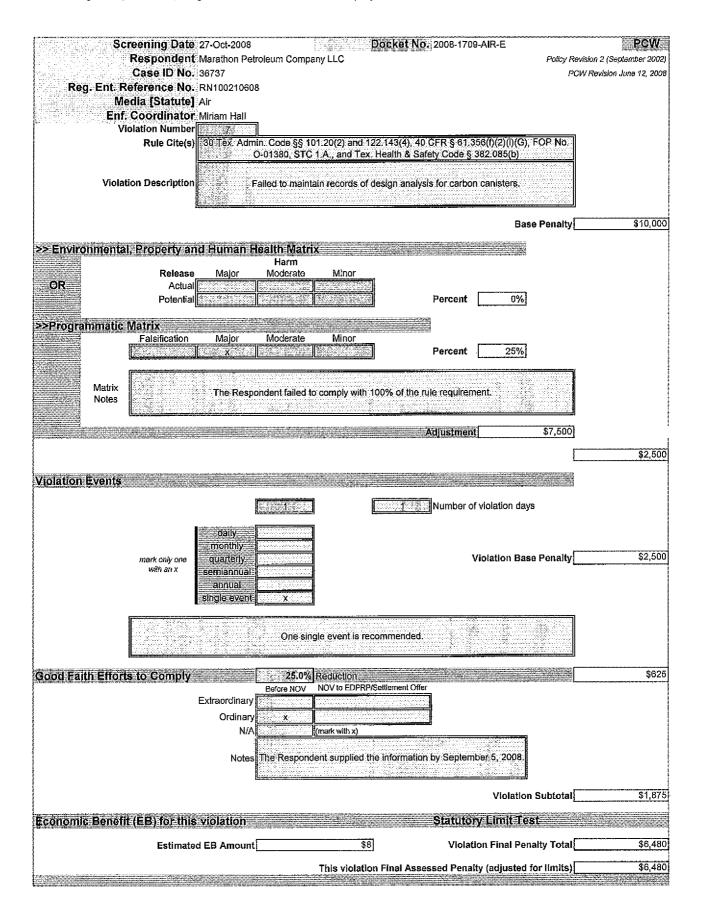
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Case ID No.		leum Company LLC	2				
Reg. Ent. Reference No.							
Keg. End. Kererence No. Media							Years of
Violation No.						Percent Interest	Depreciation
Field Control (1997			unit and the english print prints		·····	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Item Description	No commas or \$						
	er per sederare der Kille kolliker.						a mar an is is is is a state
Delayed Costs				7			
Equipment	\$260,966	11-Nov-2007	25-Feb-2008	0.29	\$253	\$5,052	\$5,305
Buildings		· · · · · · · · · · · · · · · · · · ·		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0. \$0
Engineering/construction				0.00	\$0 \$0	au Na	\$0 \$0
Land				0.00	\$0 \$0	n/a	
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal		····		0.00	\$0 \$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
19							
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				1 0.00	\$0 npliance due date		\$0; e date:



Reg. Ent. Reference No. Media						Percent Interest	Years of
Violation No.						Fercent interest	Depreciation
						5.0	1
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	AQNIA AND AND AND AND AND AND AND AND AND AN				A AGE STORE AND A STORE		
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0 \$0
Other (as needed)		·····		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.00	\$0 \$0	φυ η/a	\$0 \$0
Land <sup>®</sup> Record Keeping System	\$200	5-May-2008	5-Jun-2008	0.00	\$1	n/a	\$1
Training/Sampling	\$200	<u>J-Widy-2000</u>	<u>0-000-2000</u>	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)		4	6	0.00	\$0	n/a	\$0
Notes for DELAYED costs	The estim	nated cost of creati	ng the records fro	m the da	te requested to inc	e date that they were	e provideo.
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			ed costs before (	entering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time:avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Case ID No.	36737						
Reg. Ent. Reference No.							
Media						Percent Interest	Years of
Violation No.	7					r crocht moroot	Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					de spittere station	
an a						ner en ser se	in an
Delayed Costs				1 0.00	ľ en	\$0	\$0
Equipment				0.00	\$0 \$0	\$0 \$0	50 \$0
Buildings Other (as needed)				0.00	\$0	30 \$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	\$Q
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	5-May-2008					
	The estimation	ated cost of supplyin	<u>5-Sep-2008</u> g the information			the date all the info	<u>\$8</u> irmation was
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			g the information	from the submitte	date requested to id. <u>Item (except for</u> <u>\$0</u> \$0 \$0 \$0 \$0	one-time avoided t \$0 \$0 \$0 \$0 \$0 \$0 \$0	imation was osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		ated cost of supplyin	g the information	from the submitte	date requested to d. <u>Item (except for</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u>	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	irmation was osts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		ated cost of supplyin	g the information	from the submitte	date requested to     d.     d.     d.     d.     for         \$0         \$0         \$0	one-time avoided t \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	irmation was osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		ated cost of supplyin	g the information	from the submitte	date requested to d. <u>Item (except for</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u> <u>\$0</u>	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	irmation was osts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supples/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		ated cost of supplyin	g the information	from the submitte	date requested to     d.     d.     d.     d.     for         \$0         \$0         \$0	one-time avoided t \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	irmation was osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date		
Case ID No. 3	larathon Petroleum Company LLC 6737	Policy Revision 2 (September 2002) PCW Revision June 12, 2008
Reg. Ent. Reference No. r Media [Statute] /		
Enf. Coordinator   Violation Number	liriam Hall	
1	0 Tex. Admin. Code §§ 101.20(2) and 122.143(4), 40 CFR § 61.	
	STC 12.E., and Tex. Health & Safety Code § 382 ailed to maintain and operate Lift Station 26 carbon canisters in a	
Viofation Description	good air pollution control practices for minimizing emissions. S records from January 2008 through May 2008 indicated benzene from 100 up to 1,000 parts per million ("ppm") from the lead canis from the leg canisters.	pecifically, monitoring concentrations ranging
		Base Penalty \$10,000
>> Environmental, Property and	Human Health Matrix	
Release OR Actual	Major Moderate Minor	
Potential	Percent	25%
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent Percent	0%
Malala Liuman baalbaa	the environment has been exposed to insignificant emissions wh	int do not avread lavels
	protective of human health or environmental receptors as a result	
	Adjustme	nt \$7,500
		\$2,500
Violation Events		
	Number of 69	of violation days
	daily	
mark only one with an x	quarteriy x	Violation Base Penalty \$5,000
	annual single event	
Tŵ	quartedy events are recommended from January 2 through Jun	∋ 19, 2008.
Good Faith Efforts to Comply	25.0% Reduction	· \$1,250
	Before NOV NOV to EDPRP/Settement Offer	
L	Ordinary	
	N/A (mark with x) The Respondent installed a new hose arrangement	directly from
	Notes the lift station to the carbon canisters and installed canisters on June 19, 2008.	
		Violation Subtotal \$3,750
Economic Benefit (EB) for this	iolation Statute	ory-Limit Test
Estimated	EB Amount \$12 Viola	tion Final Penalty Total \$12,980
	This violation Final Assessed Pena	alty (adjusted for limits) \$12,960

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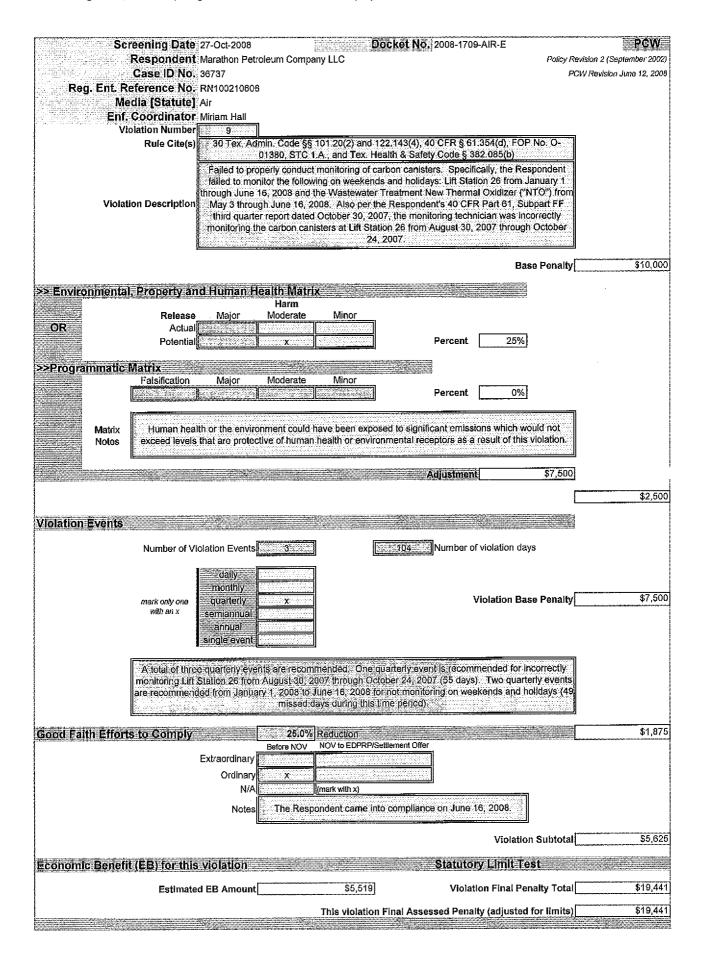
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		leum Company LL	ι,				
Case ID No.							
Reg. Ent. Reference No.						(*************************************	Years of
Media						Percent Interest	Depreciation
Violation No.	8 ****						
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	18 EB Amount
Item Description	STORE STORE STORE STORE STORE	Duce Required					
and and the second s	A90.141201-1010-0000				and the second state of the second		
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.00	50 S0	n/a	ес \$О
Land Record Keeping System				0.00	\$0 \$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)	\$500	2-Jan-2008	19-Jun-2008	0.46	\$12	n/a	\$12
Notes for DELAYED costs	The estimated	cost for installing a	a new hose arrang	jement c	lirectly from the lift	station to the carbo	n canisters and
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	installin	g larger carbon cai	listers from the da	ement c te break 0.00 0.00 0.00 0.00 0.00 0.00	(through was occu Item (except for \$0 \$0 \$0 \$0 \$0 \$0	station to the carbo rring to the complian one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n canisters and nce date. sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/squipment Financial Assurance [2] ONE-TIME avoided costs [3]	installin	g larger carbon cai	listers from the da	ement c te break <u>ntering</u> 0.00 0.00 0.00 0.00 0.00	(through was occu item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	station to the carbo rring to the complian one-time avoided t \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n canisters and nce date. sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	installin	g larger carbon cai	listers from the da	ement c te break 0.00 0.00 0.00 0.00 0.00 0.00	(through was occu Item (except for \$0 \$0 \$0 \$0 \$0 \$0	station to the carbo rring to the complian one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n canisters and nee date. sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supples/sequipment Financial Assurance [2] ONE-TIME avoided costs [3]	installin	g larger carbon cai	listers from the da	ement c te break <u>ntering</u> 0.00 0.00 0.00 0.00 0.00	(through was occu item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	station to the carbo rring to the complian one-time avoided t \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n canisters and nce date. sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0



		pleum Company LL	с				
Case ID No. Reg. Ent. Reference No.							
Nedia							Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				SIISLE (HE			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<b>\$</b> 0
Other (as needed)				0.00	\$0	\$0	<b>\$</b> 0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0 \$0	n/a = = =	\$0 \$0
Record Keeping System	<b>6500</b>	1 00 Nove 0007	40 1	0.00	\$0 \$20	n/a∩/a	\$0 \$20
Training/Sampling	\$500	30-Aug-2007	16-Jun-2008	0.80	\$20 \$0	n/a	
Remediation/Disposal Permit Costs				0.00	<u>50</u>		\$0 \$0
Other (as needed)				0.00	ΨŪ		
Union (as needed)	The estimate	l	e monitaring toght	] <u>0.00</u>	\$0	the carbon canife	\$0 re from line date
Notes for DELAYED costs			of the first violati	nicians to lon to the	correctly monitor compliance date	r the carbon canister	rs from the date
Notes for DELAYED costs			of the first violati	nicians to ion to the Intering it	correctly monitor compliance date tem (except for	r the carbon canister one-time avoided c	's from the date
Notes for DELAYED costs Avoided Costs Disposal			of the first violati	nicians to Ion to the Intering II	correctly monitor compliance date tem (except for \$0	r the carbon canister one-time avoided c \$0	s from the date costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel			of the first violati	nicians to ion to the ntering it 0.00	correctly monitor compliance date tem (except for \$0 \$0	r the carbon canister one <u>-time avolded c</u> \$0 \$0	s from the dato costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			of the first violati	nicians to ion to the ntering it 0.00 [ 0.00 ]	correctly monitor compliance date tem (except for \$0 \$0 \$0	r the carbon canister one-time avoided c \$0	s from the date costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			of the first violati	nicians to lon to the ntering it 0.00 0.00 0.00 0.00	correctly monitor compliance date tem (except for \$0 \$0 \$0 \$0	r the carbon canister one-time avoided c \$0 \$0 \$0	s from the date costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			of the first violati	nicians to ion to the ntering it 0.00 [ 0.00 ]	correctly monitor compliance date tem (except for \$0 \$0 \$0	n the carbon canister one-time avoided c \$0 \$0 \$0 \$0	s from the date sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampiles Supplies/equipment	ANI	NUALIZE [1] ävöld	of the first violati	nicians to lon to the ntering if 0.00   0.00   0.00   0.00   0.00	correctly monitor compliance date tem (except for: \$0 \$0 \$0 \$0 \$0 \$0 \$0	r the carbon canister one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	s from the date costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANI	VUALIZE [1] avoid	of the first violati	nicians to ion to the 0.00 [ 0.00 ] 0.00 ] 0.00 ] 0.00 ] 1.38 ] 0.00 ] 1.38 ]	correctly monitor compliance date tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$5,145	s from the data softs) \$0 \$0 \$0 \$0 \$5,499 \$0

Respondent Marathon Pe	Docket No. 2008-1709-AIR-E	PCW
·····································		evision 2 (September 2002)
Case ID No. 36737 Reg. Ent. Reference No. RN1002106		CW Revision June 12, 2008
Media [Statute] Air	JO	
Enf. Coordinator Miriam Hall		
Violation Number		1
Rule Cite(s) 30 Tex Ac	Imin. Code §§ 101.20(2) and 122.143(4), 40 CFR § 61.354(b)(2), FOP No. O- 01380, STC 1.A., and Tex. Health & Safety Code § 382.085(b)	
Failed to m	ionitor the waste streams entering the Enhanced Biodegradation Unit ("EBU")	
monthly	as required. Specifically, the Dissolved Nitrogen Flotation ("DNF") effluent	
	om the DNF Effluent Tank periodically enters the EBU; however, the benzene ration of this waste stream has not been monitored to demonstrate that the	
	concentration is less than 10 parts per million by weight ("ppmw") on a flow- ed annual average basis. Also, during the month of September 2007, the	
	ration of the combined waste stream entering the EBU was not measured.	
	Base Penalty	\$10,000
>> Environmental, Property and Human	Health Matrix	
	Harm	
Release Major OR Actual	Moderate Minor	
Potentia	Percent 10%	
>>Programmatic Matrix		
Falsification Major	Moderate Minor	
	Percent 0%	
	onment could have been exposed to insignificant emissions which would not ective of human health or environmental receptors as a result of this violation.	
	Adjustment \$9,000	l
		\$1,000
		φ1,000
Violation Events		
	s Number of violation days	
Number of Violation Event	s Number of violation days	
Number of Violation Event	s Number of violation days	
Number of Violation Event dally monthly mark only one guarterly	s Number of violation days	\$2,000
Number of Violation Event dally mark only one with an x	Violation Base Penalty	\$2,000
Number of Violation Event daily mark only one quarterly	Violation Base Penalty	\$2,000
Number of Violation Event dally mark only one with an x annual single even	Violation Base Penalty	\$2,000
Number of Violation Event dally mark only one with an x annual single even	Violation Base Penalty	\$2,000
Number of Violation Event dally mark only one with an x annual single even	Violation Base Penalty	\$2,000
Number of Violation Event dally mark only one with an x annual single even	Violation Base Penalty Violation Base Penalty  x  mmended. One event for the DNF effluent (May 2008) and one event for the combined waste stream (September 2007)  25:0% Reduction	\$2,000
Number of Violation Event dally mark only one with an x Two single events are reco Good Faith Efforts to Comply	Violation Base Penalty Violation Base Penalty  mmended One event for the DNF effluent (May 2008) and one event for thes combined waste stream (September 2007)  25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	]
Number of Violation Event dally mark only one with an x Two single events are reco Good Faith Efforts to Comply Extraordinar	Violation Base Penalty Violation Base Penalty	]
Number of Violation Event dally mark only one with an x Two single events are reco Good Faith Efforts to Comply	Violation Base Penalty Violation Base Penalty	
Number of Violation Event dally mark only one with an x Two single events are reco Good Faith Efforts to Comply Extraordinar Ordinar	Violation Base Penalty  Violation Base Penalty  mmended One event for the DNF effluent (May 2008) and one event for these combined waste stream (September 2007)  25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer  X  X  (mark with x)	]
Number of Violation Event mark only one with an x <b>Good Faith Efforts to Comply</b> Extraordinar Ordinar N/	Violation Base Penalty  Violation Base Penalty  mmended One event for the DNF effluent (May 2008) and one event for thes combined waste stream (September 2007)  25;0% Reduction Before NOV NOV to EDPRP/Settlement Offer  X  X  (mark with x)	
Number of Violation Event mark only one with an x <b>Good Faith Efforts to Comply</b> Extraordinar Ordinar N/	Violation Base Penalty  Violation Base Penalty  mmended One event for the DNF effluent (May 2008) and one event for thes combined waste stream (September 2007)  25;0% Reduction Before NOV NOV to EDPRP/Settlement Offer  X  X  (mark with x)	]
Number of Violation Event mark only one with an x Good Faith Efforts to Comply Extraordinar Ordinar N/, Note	Violation Base Penalty  Violation Base Penalty  mmended. One event for the DNF effluent (May 2008) and one event for these combined waste stream (September 2007))  25:0% Reduction Before NOV NOV to EDPRP/Settlement Offer  X  The Respondent came into compliance on September 5, 2008 Violation Subtotal	\$500
Number of Violation Event         daily         mark only one         with an x         single events are recording         Good Faith Efforts to Comply         Extraordinar         Ordinar         Note         Economic Benefit (EB) for this violation	Violation Base Penalty	\$500
Number of Violation Event mark only one with an x Good Faith Efforts to Comply Extraordinar Ordinar N/, Note	Violation Base Penalty	\$500 \$1,500 \$5,184

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Case ID No.	36737						
Reg. Ent. Reference No.							
Media							Years of
Violation No.						Percent Interest	Depreciation
						5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	2/					
	ing and an	ay adalah katalah katalah katalah katala	urici anali adda	iaitingig		international and the second	
Delayed Costs	MP when party or many shake the sold of	1		1 0.00 I	\$0	\$0	\$0
Equipment Buildings				0.00	\$0 \$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0	\$Õ
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 —	<b>\$</b> 0
Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$200	5-May-2008	5-Sep-2008	0.00	\$0 \$3	n/a n/a	\$0 \$3
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The estimated	Cost for providing d	lata to demonstrat ed costs before e 27-Jun-2008	e complia ntering 0.00 0.00 1.15 0.00 0.00	\$0 \$3 ance from the ins item (except for \$0 \$0 \$37 \$0 \$0 \$0 \$0	pection date to the c one-time avoided c \$0 \$0 \$730 \$0 \$0 \$0	\$0 \$3 ompliance date \$0 \$0 \$767 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	The estimated	cost for providing d	lala lo demonstrat ed costs before e	0.00 0.34 e complia ntering 0.00 0.00 1.15 0.00	\$0 \$3 ance from the ins item (except for \$0 \$0 \$37 \$0	pection date to the c one-time avoided c \$0 \$0 \$730 \$0 \$0	\$0 \$3 ompliance date (osts) \$0 \$0 \$767 \$0

The state of the s	ket No. 2008-1709-AIR-E PCW
Respondent Marathon Petroleum Company LLC Case ID No. 36737	Policy Revision 2 (September 2002) PCW Revision June 12, 2008
Reg: Ent. Reference No. RN100210608	
Media [Statute] Air Enf. Coordinator Miriam Hall	
Violation Number 11 Rule Cite(s) 30 Tex. Admin. Code §§ 101:20(2) and 122.1	43(4): 40 CER \$ 61,342(0(2); FOP No. O.
01380, STC 1.A., and Tex. Healt	h & Safety Code § 382.085(b)
Failed to provide proper notification with eac Violation Description Specifically, portions of the shipments on Janu	h shipment of waste for offsite treatment.
not have the required docume	
	Base Penalty \$10,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release         Major         Moderate         Minor           OR         Actual	P
Potential	Percent 0%
>>Programmatic Matrix Falsification Major Mcderate Minor	
	Percent 10%
Matrix The Respondent met approximately 50% of Notes	of the rule requirement.
	Adjustment \$9,000
	\$1,000
Violation Events	
Number of Violation Events	2Number of violation days
cally	
mark only one guarterly	Violation Base Penalty \$2,000
with an x semiannual annual	
singletevent	
Two single events are recommended (on	e for each shipment).
Good Faith Efforts to Comply 25.0% Reduction	\$500
Before NOV NOV to EDPRP/Settle	ment Offer
Extraordinary	
N/A	
Notes The Respondent completed cor	rective actions by July 15, 2008.
	Violation Subtotal \$1,500
Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$36	• Laser and the second
This violation Flue	nal Assessed Penalty (adjusted for limits) \$5,184

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Reg. Ent. Reference No. R	8737						
Media A						Percent Interest	Years of Depreciation
Violation No. 1	1				Manager and a second		
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	Vo.commas.or \$	290000000000000000000000000000000000000				al	
Delayed Costs							
Equipment			<u> </u>	0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	 \$0	50 50	\$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	31-Jan-2007	15-Jul-2008	1.45	\$36	n/a	\$36
Remediation/Disposal				0.00	\$0	i de un∕a seres	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	in/a	\$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment						e training was com one-time avoided o \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Financial Assurance [2]		and the second second second states and the second			φυ.	φ	Ψ9
				0.00	\$0	\$0	\$0

# Compliance History Report

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Customer/Respondent/Owner-Operator:	CN600244933	Marathon Petroleum Compa	iny LLC	Classification: AVERAGE	Rating: 2.12
Regulated Entity:	RN100210608	MARATHON PETROLEUM	- TEXAS	Classification: AVERAGE	Site Rating: 4.06
ID Number(s):	AIR OPERATING AIR OPERATING WASTEWATER WASTEWATER WASTEWATER	PERMITS	ACCOUNT PERMIT PERMIT PERMIT EPA ID	NUMBER	GB0055R 1380 WQ0000990000 TX0003697 TX0003697
	INDUSTRIAL AN	D HAZARDOUS WASTE	EPA ID		TXD008079501
	INDUSTRIAL ANI GENERATION	D HAZARDOUS WASTE	SOLID WAS (SWR)	STE REGISTRATION #	30326
	INDUSTRIAL ANI STORAGE	D HAZARDOUS WASTE	PERMIT		50046
	AIR NEW SOUR		REGISTRA	TION	71874
	AIR NEW SOUR		PERMIT		856
	AIR NEW SOUR		PERMIT		1131
	AIR NEW SOUR		PERMIT		1590
	AIR NEW SOUR		PERMIT		2439
	AIR NEW SOUR		PERMIT		5909
	AIR NEW SOUR		PERMIT		8025
	AIR NEW SOUR	CE PERMITS	PERMIT		22433
	AIR NEW SOUR		PERMIT		23463
	AIR NEW SOUR	CË PERMITS	PERMIT		23992
	AIR NEW SOUR		PERMIT		25362
	AIR NEW SOUR		PERMIT		24859
	AIR NEW SOUR	CE PERMITS	PERMIT		25194
	AIR NEW SOUR	CE PERMITS	PERMIT		29218
	AIR NEW SOUR	CE PERMITS	PERMIT		30994
	AIR NEW SOUR	CE PERMITS	PERMIT		30167
	AIR NEW SOUR	CE PERMITS	PERMIT		33178
	AIR NEW SOUR	CE PERMITS	PERMIT		37749
	AIR NEW SOUR	CE PERMITS	PERMIT		40024
	AIR NEW SOUR	CE PERMITS	PERMIT		40196
	AIR NEW SOUR	CE PERMITS	PERMIT		43341
	AIR NEW SOUR	CE PERMITS	PERMIT		43716
	AIR NEW SOUR	CE PERMITS	PERMIT		44852
	AIR NEW SOUR	CE PERMITS	PERMIT		45826
	AIR NEW SOUR	CE PERMITS	PERMIT		46198
	AIR NEW SOUR	CE PERMITS	PERMIT		46373
	AIR NEW SOUR	CE PERMITS	PERMIT		46661
	AIR NEW SOUR	CE PERMITS	PERMIT		47099
	AIR NEW SOUR	CE PERMITS	PERMIT		47365
	AIR NEW SOUR	CE PERMITS	PERMIT		48473
	AIR NEW SOUR	CE PERMITS	PERMIT		49937
	AIR NEW SOUR		PERMIT		49938
	AIR NEW SOUR	CE PERMITS	ACCOUNT	NUMBER	GB0055R
	AIR NEW SOUR	CE PERMITS	PERMIT		53769
	AIR NEW SOUR	CE PERMITS	EPA ID		PSDTX241M1
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	55858
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	75450
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	75398
	AIR NEW SOUR	CE PERMITS	AFS NUM		4816700005
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	71646
	AIR NEW SOUR	CE PERMITS	PERMIT		55772
	AIR NEW SOUR	CE PERMITS	PERMIT		71657
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	71726
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	72692
	AIR NEW SOUR	CE PERMITS	REGISTRA	TION	73969
	AIR NEW SOUR		REGISTRA	TION	73796
	AIR NEW SOUR		REGISTRA		74728
	AIR NEW SOUR		REGISTRA		75175
	AIR NEW SOUR		REGISTRA		74818
		-			

	AIR NEW SOURCE PERMITS	REGISTRATION	74945
	AIR NEW SOURCE PERMITS	REGISTRATION	76492
	AIR NEW SOURCE PERMITS	REGISTRATION	76493
	AIR NEW SOURCE PERMITS	REGISTRATION	76534
	AIR NEW SOURCE PERMITS	REGISTRATION	76488
	AIR NEW SOURCE PERMITS	REGISTRATION	76490
	AIR NEW SOURCE PERMITS	REGISTRATION	77226
	AIR NEW SOURCE PERMITS	REGISTRATION	77621
	AIR NEW SOURCE PERMITS	REGISTRATION	77649
	AIR NEW SOURCE PERMITS	REGISTRATION	77262
	AIR NEW SOURCE PERMITS	REGISTRATION	78505
	AIR NEW SOURCE PERMITS	REGISTRATION	78497
	AIR NEW SOURCE PERMITS	REGISTRATION	79106
	AIR NEW SOURCE PERMITS	REGISTRATION	80401
		REGISTRATION REGISTRATION	79948 80523
	AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	REGISTRATION	80298
	AIR NEW SOURCE PERMITS	REGISTRATION	80319
	AIR NEW SOURCE PERMITS	REGISTRATION	81019
	AIR NEW SOURCE PERMITS	REGISTRATION	80562
	AIR NEW SOURCE PERMITS	REGISTRATION	80565
	AIR NEW SOURCE PERMITS	REGISTRATION	81479
	AIR NEW SOURCE PERMITS	REGISTRATION	81483
	AIR NEW SOURCE PERMITS	REGISTRATION	83710
	AIR NEW SOURCE PERMITS	REGISTRATION	85989
	AIR NEW SOURCE PERMITS	REGISTRATION	86004
	AIR NEW SOURCE PERMITS	REGISTRATION	86588
	AIR NEW SOURCE PERMITS	REGISTRATION	84550
	AIR NEW SOURCE PERMITS	REGISTRATION	83711
	AIR NEW SOURCE PERMITS	REGISTRATION	85118
		REGISTRATION	84800 82870
	AIR NEW SOURCE PERMITS	REGISTRATION REGISTRATION	83708
	AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	REGISTRATION	86008
	AIR NEW SOURCE PERMITS	REGISTRATION	85110
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30326
Location:	502 10TH ST S, TEXAS CITY, TX, 77590	Rating Date: 9/1/2008 F	epeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	November 25, 2008, revised January 22, 200	99	
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 25, 2003 to November 25, 2008		
TCEQ Staff Member to Contact for Additional Inf	ormation Regarding this Compliance History		
Name: Miriam Hall	Phone: (512) 239 - 104	4	
		<u>·</u>	
	Site Compliance History Com	ponents	
1. Has the site been in existence and/or operatio	n for the full five year compliance period?	Yes	
		No	
2. Has there been a (known) change in ownershi			
3. If Yes, who is the current owner?		N/A	
4. if Yes, who was/were the prior owner(s)?		 N/A	
5. When did the change(s) in ownership occur?		N/A	
Components (Multimedia) for the Site :			
	nts, and consent decrees of the state of Texas a	and the federal government.	
Effective Date: 07/30/2004		3-1126-IWD-E (1660)	
Classification: Modera		· <b>/</b>	
	Chapter 26, SubChapter A 26.121(a)		
	Chapter 305, SubChapter F 305.125(1)		

Rqmt Prov: effluent limits PERMIT Description: Failed to comply with its permitted effluent quality limitations.

#### Effective Date: 11/06/2005

ADMINORDER 2005-0169-AIR-E (1660)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.222 30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: No. 22433 Special Condition #1, PERMIT

Description: Failed to prevent unauthorized emissions of 688 pounds (lbs) of Volatile Organic Compounds ("VOCs") during an emissions event on August 19, 2003 that lasted 3 hours and 15 minutes.

#### Effective Date: 03/23/2006

ADMINORDER 2005-1492-AIR-E (1660)

Classification: Moderate

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

Rqmt Prov: Application Representations PERMIT Description: Failed to comply with permitted emissions limits.

Effective Date: 11/09/2007

ADMINORDER 2007-0392-AIR-E (Findings)

Classification: Moderate

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

Rqmt Prov: Flex Permit 22433, Special Condition #1 PA Description: Failure to prevent unauthorized emissions from slop tanks 513 and 520.

Classification: Minor

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

Description: Failure to include the permit number in the final report.

Classification: Moderate

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

Rqmt Prov: Flex Permit 22433, Special Condition 1 PA Description: Failure to prevent unauthorized emissions from a tank roof.

Classification: Minor

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

Description: Failure to include the permit number in the reports. Classification: Moderate

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

Rqmt Prov: Permit #22433, Special Condition #1 PA Description: Failure to prevent the unauthorized emissions of HRVOC and VOC.

Classification: Minor

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

Description: Failure to include permit number in the final report.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	12/29/2003	(294829)
2	01/23/2004	(294831)
3	02/04/2004	(256542)
4	02/04/2004	(256690)
5	02/23/2004	(294811)
6	03/02/2004	(261733)
7	03/16/2004	(261731)
8	03/19/2004	(294813)
9	04/20/2004	(294814)
10	05/20/2004	(294817)
11	05/26/2004	(267570)
12	05/26/2004	(269839)
13	05/26/2004	(273619)
14	06/02/2004	(271819)
15	06/02/2004	(271954)
16	06/02/2004	(272105)
17	06/21/2004	(294819)
18	07/20/2004	(351878)
19	08/13/2004	(280051)
20	08/16/2004	(280171)
21	08/20/2004	(351879)
22	09/20/2004	(351880)
23	10/20/2004	(351881)
24	10/29/2004	(335392)
25	11/22/2004	(351882)
26	12/09/2004	(339135)
27	12/09/2004	(339144)
28	12/09/2004	(339149)
29	12/09/2004	(339203)
30	12/10/2004	(281540)
31	12/13/2004	(342701)
32	12/13/2004	(342718)
33	12/13/2004	(342731)
34	12/14/2004	(342649)
35	12/16/2004	(339182)
36	12/16/2004	(339543)
37	12/16/2004	(340520)
38	12/16/2004	(340525)
39	12/20/2004	(339157)
40	12/20/2004	(339186)
41	12/20/2004	(339190)
42	12/20/2004	(381741)
43	12/29/2004	(342522)
44	01/07/2005	(342662)
45	01/07/2005	(342831)
46	01/10/2005	(255901)
47	01/14/2005	(334535)
48	01/14/2005	(345722)
49	01/20/2005	(381742)
50	01/23/2005	(342642)
51	02/17/2005	(381740)
52	03/21/2005	(419564)
53	04/07/2005	(347815)
54	04/20/2005	(419565)
55	05/20/2005	(419566)
56	05/23/2005	(348515)
57	06/21/2005	(419567)

58	07/15/2005	(377760)
59	07/21/2005	(440696)
60	07/28/2005	(401759)
61	07/29/2005	(401909)
62	08/02/2005	(402183)
63	08/05/2005	(403229)
64	08/05/2005	(403737)
65	08/10/2005	(397000)
66	08/11/2005	(404843)
67	08/12/2005	(399679)
68	08/17/2005	(405483)
69	08/18/2005	(405239)
09 70	08/18/2005	(405259)
10	00/10/2005	(400000)
71	08/22/2005	(400565)
72	08/23/2005	(440697)
73	08/29/2005	(346080)
74	08/29/2005	(406782)
75	09/21/2005	(440698)
76	10/24/2005	(468214)
77	12/27/2005	(468216)
78	01/02/2006	(439868)
79	01/24/2006	(468218)
80	02/24/2006	(468212)
81	03/15/2006	(456245)
82	03/23/2006	(468213)
83	03/24/2006	(453148)
84	03/24/2006	, ,
		(468215)
85	04/24/2006	(498058)
86	05/22/2006	(498059)
87	06/23/2006	(498060)
88	07/14/2006	(484513)
89	07/24/2006	(520074)
90	08/22/2006	(520075)
91	09/18/2006	(530966)
92	09/25/2006	(520076)
93	10/19/2006	(516360)
94	10/24/2006	(544331)
95	10/25/2006	(516362)
96	11/21/2006	(544332)
97	12/27/2006	(544333)
98	01/23/2007	(575013)
99	02/02/2007	(512535)
100	02/22/2007	(575007)
101	02/23/2007	(533477)
102	02/26/2007	(538339)
102	03/05/2007	(536010)
103	03/20/2007	(536015)
		. ,
105	03/20/2007	(543995)
106	03/23/2007	(575008)
107	04/09/2007	(542371)
108	04/11/2007	(554498)
109	04/23/2007	(575009)
110	04/30/2007	(542587)
111	05/23/2007	(560228)
112	05/23/2007	(575010)
113	06/25/2007	(575011)
114	07/23/2007	(575012)
115	08/22/2007	(601513)

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116	09/24/2007	(601514)
117	10/23/2007	(619422)
118	11/26/2007	(619423)
119	12/27/2007	(619424)
120	01/18/2008	(671933)
121	01/28/2008	(616313)
122	02/05/2008	(553832)
123	02/22/2008	(671931)
124	03/13/2008	(614925)
125	03/24/2008	(671932)
126	04/04/2008	(638924)
127	04/11/2008	(641798)
128	04/22/2008	(689850)
129	04/24/2008	(637230)
130	04/24/2008	(637249)
131	05/14/2008	(640626)
132	05/22/2008	(689851)
133	06/24/2008	(689852)
134	07/01/2008	(684730)
135	08/07/2008	(686095)
136	08/20/2008	(689244)
137	09/08/2008	(636632)

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

#### Date: 03/18/2004 (261731) Classification Moderate Self Report? NO Citation: 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) PA 22433, SC 9E Rgmt Prov: Marathon Ashland Petroleum failed to cap or plug valve nos., 140757, 140760, Description: 140772, 140725, and 140730. All the valves were in VOC service and without the required cap or plug Classification Moderate Self Report? NO Citation: 30 TAC Chapter 115, SubChapter D 115.355(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1) Description: MAP failed to calibrate their monitoring instrument according to the TCEQ Regulation V, Rule 115.355(1), which requires Test Method 21 (40 CFR 60, Appendix A) for determining volatile organic compound leaks. Date: 05/31/2004 (294819) Moderate Self Report? YES Classification Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description: Date: 09/30/2004 (351881) Moderate Self Report? YES Classification 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description: 11/30/2004 (381741) Date: Classification Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description: Date: 12/31/2004 (381742) Self Report? YES Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)

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

Da	ite: 08/2	9/2005 (346080)			
	Self Report?	NO	Cla	assification	Moderate
	Citation:		, SubChapter H 116,770	D	
	Description:		Permit or Permit-by-Rul		ell Pump.
	Self Report?	NO	Cla	assification	Moderate
	Citation:		3, SubChapter H 116.77		
	Description:	Failure to apply for a Fugitives.	ı permit or Permit-by-Rul	e by Septembe	er 1, 2003, for the Railcar
	Self Report?	NO	Cla	assification	Moderate
	Citation:		I, SubChapter H 101.360		
	Description:	-	#4 Well Pump, by June	30, 2001. Assification	Madavata
	Self Report?	YES			Moderate
	Description:	40 CFR Chapter 60,	l, SubChapter A 101.20( SubChapter C, PT 60, S	SubPT Kb 60.1	
	Description: Self Report?	NO	ernal Floating Roof Tanks	s with gaskelet	Moderate
	Citation:		I, SubChapter A 101.20(		moderate
	onation.	-	SubChapter C, PT 61, S		71(a)(5)
Description:	Failure to	equip Internal Floatin	g Roof Tanks with a gas	keted cover.	
Self Report?	NO		Cla	assification	Moderate
Citation:	30 TAC C	Chapter 101, SubChap	ter A 101.20(2)		
			er C, PT 63, SubPT H 63		
Description:		install a closed loop o	r equivalent in sampling	-	Madanata
Self Report?	NO	Dhantar 115 CubObau		ssification	Moderate
Citation: Description:		Chapter 115, SubChap	within 24 hours of lifting	to atmosphere	1
Self Report?	NO		-	assification	Moderate
Citation:		Chapter 122, SubChap	ter B 122,143(4)		
Description:			s and Conditions of their	r Operating Pei	mit
Date: 09/30/3	2005 (468	214)			
Self Report?	YES		Cla	assification	Moderate
Citation:		Chapter 305, SubChap apter 26 26.121(a)	ter F 305.125(1)		
Description:		, ,,	or more permit paramet	ter	
Date: 07/14/	2006 (484	513)			
Self Report?	NO		Cla	assification	Moderate
Citation:		Chapter 116, SubChap Chapter 382, SubChap			
Rqmt Prov:		Permit # 22433, SC #			
Description:	oxide.		error resulting in unautho	rized emission	of nitrogen
Date: 09/18/	2006 (530	1966)			
Self Report?	NO			assification	Moderate
Citation:		Chapter 305, SubChap			
Description:		Chapter 305, SubChap T VIOS FOR MONIT F	• •		
Date: 09/30/		331)			
Self Report?	YES	·	Cla	assification	Moderate
Citation:	30 TAC C	Chapter 305, SubChap	ter F 305.125(1)		
	TWC Cha	apter 26 26.121(a)			
Description:			or more permit paramet	er	
Date: 10/19/	2006 (516	360)			
Self Report?	NO			assification	Moderate
Citation:	5C THC (	Chapter 116, SubChap Chapter 382, SubChap	oter D 382,085(b)		
Romt Prov:		ble Permit #22433, SC	#1 emission of propylene.		
Description: Date: 10/25/		362)	онналон ог рторуюне.		
Self Report?	NO (510	,	Cla	assification	Moderate
Citation:		Chapter 116, SubChap			
Situavii,		Chapter 382, SubChap			
Rgmt Prov:		ble Permit # 22433			

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Date: 02/02	/2007	Failure to prevent unauthorized emission of benzer (512535)		
Self Report?	NO		Classification	Minor
Citation: Rgmt Prov:		30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT 5C THC Chapter 382, SubChapter D 382.085(b) PERMIT No. 22433, Special Condition 6E	. H 63.167(a)(1)	
Description:		OP No. O-01380, Special Condition 1A OP No. O-01380, Special Condition 1A OP No. O-01380, Special Condition 21A failure to equip open ended lines and valves with a	a plug, cap, blind fla	nge or sec
Self Report?	NO	valve.	Classification	Minor
Citation:	NO	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov: Description:		OP No. O-01380, Special Condition 1A failure to install a flow meter that provides a record	of vent stream flov	v to the flar
Self Report?	NO		Classification	Minor
Citation:		30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT 5C THC Chapter 382, SubChapter D 382.085(b)	VV 60.485(b)(1)	
Rqmt Prov:		PERMIT No. 22433, Special Condition 6F OP No. O-01380, Special Condition 1A OP No. O-01380, Special Condition 21A		
Description:		failure to calibrate gas analyzer so that it conforme Part 60, Subpart VV § 60.485(b)(1).	d to the requirement	nts of 40 CF
Date: 02/06	/2008	(553832)		
Self Report?	NO		Classification	Moderate
Citation: Rqmt Prov:		30 TAC Chapter 115, SubChapter D 115.354(2)(B 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT OP FOP O-01380 SC 21		
		PA NSR Permit 22433 SC 7		
Description: Self Report?	NO	Failure to monitor components in VOC service.	Classification	Moderate
Citation:	110	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT		
Rqmt Prov:		5C THSC Chapter 382 382.085(b) OP FOP O-01380 SC 21 PA NSR Permit 22433 SC 7E		
Description: Self Report?	NO	Failure to maintain a seal on open ended lines.	Classification	Moderate
Citation:		30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:		OP FOP O-1380 SC 21 PA NSR Permit 22433 SC 3		
Description: Self Report?	NO	Failure to sample cooling towers on a monthly bas	is. Classification	Moderate
Citation:		30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:		OP FOP O-01380 SC 21 PA NSR Permit 22433 SC 39A		
Description: Self Report?	NO	Failure to maintain H2S concentrations within limits	s. Classification	Moderate
		30 TAC Chapter 116, SubChapter B 116.115(c)		

			30 TAC Chapter 122, SubChapter B 122.143(4)		
			5C THSC Chapter 382 382.085(b)		
	Rqmt Prov:		OP FOP O-01380 SC21		
	Deeerintieur		PA NSR Permit 22433 SC 39E		
	Description:	NO	Failure to maintain CO emissions within emission lin	Classification	Moderate
	Self Report? Citation:	NO	30 TAC Chapter 115, SubChapter H 115.725(d)(1)(		Moderate
	Citation.		30 TAC Chapter 115, SubChapter H 115.725(d)(1)( 5C THSC Chapter 382 382.085(b)		
	Description:		Failure to calibrate flow and temperature monitors in	HRVOC service.	
	Self Report?	NÖ		Classification	Minor
	Citation:		30 TAC Chapter 122, SubChapter B 122.143(4)		
			40 CFR Chapter 63, SubChapter C, PT 63, SubPT I	H 63.180(b)(3)	
			5C THSC Chapter 382 382.085(b)		
	Report Prov:		OP FOP 0-01380 SC 17	th cartified gapon	
	Description: Self Report?	NO	Failure to calibrate fugitive monitoring equipment wi	Classification	Minor
	Citation:	NO	30 TAC Chapter 116, SubChapter B 116.115(c)	Ciassification	MILIOI
	Citation,		30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
	Rgmt Prov:		OP FOP O-01380 SC 21		
			PA NSR Permit 22433 SC 24E		
	Description:		Failure to submit stack test report within 30 days.		
	Self Report?	NO		Classification	Minor
	Citation:		40 CFR Chapter 61, SubChapter C, PT 61, SubPT I	FF 61.356(j)(10)	
			5C THSC Chapter 382 382.085(b)		
	Description:		Failure to record changes in carbon canisters.	0	N #
	Self Report?	NO		Classification	Minor
	Citation:		40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 5C THSC Chapter 382 382.085(b)		
	Description:		Failure to submit notification of intent to demolish as	Classification	Moderate
	Self Report? Citation:	NO	40 CEB Charter 64, SubCharter C, DT 64, SubBT I		Modelate
	Citation:		40 CFR Chapter 61, SubChapter C, PT 61, SubPT 1 5C THSC Chapter 382 382.085(b)	-F 01.304(u)	
	Description:		Failure to change out carbon canisters immediately	after breakthrough	
	Self Report?	NO		Classification	Moderate
	Citation:		30 TAC Chapter 122, SubChapter B 122.145(2)(A)		
			5C THSC Chapter 382 382.085(b)		
	Rqmt Prov:		OP FOP O-01380 GC		
	Description:		Failure to report all instances of deviations within re-	quirea time frame.	
Da	te: 04/24/2	2008	(637230)		
	Self Report?	NO	х <i>г</i>	Classification	Minor
	Citation:		30 TAC Chapter 116, SubChapter G 116.715(a)		
			5C THSC Chapter 382 382.085(b)		
	Rqmt Prov:		PERMIT 22433 Special condition # 21E		
	Description:		Failed to submit compliance report within 60 days an	fter sampling is cor	npleted
Da			(686095)		
	Self Report?	NO		Classification	Moderate
	Citation:		30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b)		
	Rqmt Prov:		5C THSC Chapter 382 382.085(b) PERMIT Special Condition #1	inalina	
	Rqmt Prov: Description:	NO	5C THSC Chapter 382 382.085(b)		Moderate
	Rqmt Prov: Description: Self Report?	NO	5C THSC Chapter 382 382.085(b) PERMIT Special Condition #1 Failure to prevent toluene leak in the underground p	ipeline. Classification	Moderate
	Rqmt Prov: Description:	NO	5C THSC Chapter 382 382.085(b) PERMIT Special Condition #1 Failure to prevent toluene leak in the underground p 30 TAC Chapter 101, SubChapter F 101.201(c)	Classification	
Da	Rqmt Prov: Description: Self Report? Citation: Description:		5C THSC Chapter 382 382.085(b) PERMIT Special Condition #1 Failure to prevent toluene leak in the underground p	Classification	
Da	Rqmt Prov: Description: Self Report? Citation: Description:		5C THSC Chapter 382 382.085(b) PERMIT Special Condition #1 Failure to prevent toluene leak in the underground p 30 TAC Chapter 101, SubChapter F 101.201(c) Failure to submit the final report within 14 days of the	Classification	
Da	Rqmt Prov: Description: Self Report? Citation: Description: te: 08/20/2	2008	5C THSC Chapter 382 382.085(b) PERMIT Special Condition #1 Failure to prevent toluene leak in the underground p 30 TAC Chapter 101, SubChapter F 101.201(c) Failure to submit the final report within 14 days of the	Classification e end of the event	
Da	Rqmt Prov: Description: Self Report? Citation: Description: te: 08/20/2 Self Report?	2008	<ul> <li>5C THSC Chapter 382 382.085(b)</li> <li>PERMIT Special Condition #1</li> <li>Failure to prevent toluene leak in the underground p</li> <li>30 TAC Chapter 101, SubChapter F 101.201(c)</li> <li>Failure to submit the final report within 14 days of the (689244)</li> <li>30 TAC Chapter 116, SubChapter G 116.715(a)</li> <li>5C THSC Chapter 382 382.085(b)</li> </ul>	Classification e end of the event	
Da	Rqmt Prov: Description: Self Report? Citation: Description: te: 08/20/2 Self Report?	2008	<ul> <li>5C THSC Chapter 382 382.085(b)</li> <li>PERMIT Special Condition #1</li> <li>Failure to prevent toluene leak in the underground p</li> <li>30 TAC Chapter 101, SubChapter F 101.201(c)</li> <li>Failure to submit the final report within 14 days of the (689244)</li> <li>30 TAC Chapter 116, SubChapter G 116.715(a)</li> </ul>	Classification e end of the event Classification	

#### F. Environmental audits.

Notice of Intent Date: 09/09/2008 (704668) 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 MARATHON PETROLEUM COMPANY LLC RN100210608 BEFORE THE TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2008-1709-AIR-E

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#### 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 Marathon Petroleum Company LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a petroleum refinery at 502 10th Street South in Texas City, Galveston 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 September 13, 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 One Hundred Fifteen Thousand Three Hundred Forty-Seven Dollars (\$115,347) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ninety-Two Thousand Two Hundred Seventy-Eight Dollars (\$92,278)

shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project and Twenty-Three Thousand Sixty-Nine Dollars (\$23,069) 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 the Respondent has implemented the following corrective measures at the Plant:
  - a. On February 18 and March 28, 2008, installed plugs on drain valve, Tag No. 20058, in the Aromatic Recovery ("UDEX") Unit and a valve, Tag No. 090560, in the Platformer Unit, respectively;
  - b. On May 19, 2008, emptied and degassed tank No. 111;
  - c. On January 1, 2008, began maintaining records of monitoring for carbon canister breakthrough during tank degassing;
  - d. On March 7, 2007, repaired vacuum breakers on internal floating roof tank No. 164;
  - e. On February 25, 2008, replaced the tank floating roof primary seal on external floating roof tank No. 518;
  - f. On June 5, 2008, provided records to demonstrate compliance with the emission limits in 30 TEX. ADMIN. CODE §§ 106.263 and 106.4(a)(1)-(3);
  - g. By September 5, 2008, provided complete records for carbon canister design analysis;
  - h. On June 19, 2008, completed the installation of a new hose arrangement from Lift Station 26 to the carbon canisters, and installed larger carbon canisters;
  - i. On June 16, 2008, began properly monitoring carbon canisters from Lift Station 26 and the Wastewater Treatment New Thermal Oxidizer ("NTO");
  - j. By September 5, 2008, collected enough samples from the Dissolved Nitrogen Flotation ("DNF") effluent overflow from the DNF Effluent Tank to demonstrate that the benzene concentration of the stream is less than 10 parts per million by weight ("ppmw"). Also on October 9, 2007, the Respondent resumed sampling from the combined stream; and
  - k. By July 15, 2008, developed new procedures that detail requirements for offsite waste notifications and completed training of waste personnel.

Marathon Petroleum Company LLC DOCKET NO. 2008-1709-AIR-E Page 3

- 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.

#### **H. ALLEGATIONS**

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

- Failed to seal open-ended valves with a cap, blind flange, plug or second valve, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(4), 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-6(a)(1) and 63.167(a)(1), New Source Review Permit ("NSRP") No. 22433, Special Condition ("SC") 10.E., Federal Operating Permit ("FOP") No. O-01380, Special Terms and Conditions ("STC") 1.A. and 21, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically according to the operator's repair log, a drain valve, Tag No. 20058, in the UDEX Unit and a valve, Tag No. 090560, in the Platformer Unit were missing plugs on February 18, 2008 and March 28, 2008, respectively.
- 2. Failed to repair or empty and degass external floating roof tank No. 111 (containing gasoline) within 60 days of the discovery of pinhole leaks on the roof deck, in violation of 30 TEX. ADMIN. CODE §§ 115.114(a)(4) and 122.143(4), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. The Respondent first discovered the roof corrosion during a tank inspection on December 20, 2006 and again on December 29, 2006. Also, on June 12 and December 5, 2007, the Respondent found product on the roof of the tank.
- 3. Failed to maintain records of monitoring for carbon canister breakthrough during tank degassing in 2007 for tank Nos. 5 (containing pure benzene), 127 (regular gasoline), 152 (gasoline), and 516 (crude oil), in violation of 30 TEX. ADMIN. CODE §§ 115.546(2)(C) and 122.143(4), FOP No. O-01380, STC 8.A.(vi), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008.
- 4. Failed to maintain vacuum breakers (automatic bleeder vents) on internal floating roof tank No. 164 (containing heavy naphtha) in a closed position during normal operation, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 115.112(a)(2)(B), and 122.143(4), 40 CFR §§ 63.119(b)(4) and 63.646(a), FOP No. O-01372, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically, the vacuum breakers were noted as being stuck in the open position during the Respondnet's tank inspection on December 27, 2006. The vacuum breakers were determined to

be of poor design which prevented re-seating; however, they were not repaired until March 7, 2007.

- 5. Failed to repair the tank floating roof primary seal, empty the tank, or request an extension for seal repair within 45 days of determining that the seal needed replacement on external floating roof tank No. 518 (containing crude oil), in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR §§ 63.120(b)(8) and 63.646(a), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically, during the Respondent's tank inspection on September 27, 2007, it was determined that the primary seal needed to be replaced. The Respondent was required to repair the seal, empty the tank, or request an extension by November 11, 2007. The primary seal was not replaced until February 25, 2008.
- 6. Failed to maintain records to demonstrate compliance with the emission limits in 30 TEX. ADMIN. CODE §§ 106.263, and 106.4(a)(1)-(3), in violation of 30 TEX. ADMIN. CODE §§ 106.263(g) and 122.143(4), FOP No. O-01380, STC 21, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, July 1, 2008. Specifically, ten planned maintenance, startup, and shutdown tank landing events occurred between January 5, 2007 and February 18, 2008. Records containing sufficient information to demonstrate compliance were not available when requested during the investigation.
- 7. Failed to maintain records of design analysis for carbon canisters, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.356(f)(2)(i)(G), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008.
- 8. Failed to maintain and operate Lift Station 26 carbon canisters in a manner consistent with good air pollution control practices for minimizing emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.12(c), FOP No. O-01380, STC 12.E., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically, monitoring records from January 2008 through May 2008 indicated benzene concentrations ranging from 100 up to 1,000 parts per million ("ppm") from the lead canisters and up to 999 ppm from the lag canisters.
- 9. Failed to properly conduct monitoring of carbon canisters, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.354(d), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically, the Respondent failed to monitor the following on weekends and holidays: Lift Station 26 from January 1 through June 16, 2008 and the Wastewater Treatment NTO from May 3 through June 16, 2008. Also, per the Respondent's 40 CFR Part 61, Subpart FF third quarter report dated October 30, 2007, the monitoring technician was incorrectly monitoring the carbon canisters at Lift Station 26 from August 30, 2007 through October 24, 2007.
- 10. Failed to monitor the waste streams entering the Enhanced Biodegradation Unit ("EBU") monthly as required, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.354(b)(2), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically, the DNF effluent overflow from the DNF Effluent Tank periodically enters the EBU;

however, the benzene concentration of this waste stream has not been monitored to demonstrate that the benzene concentration is less than 10 ppmw on a flow-weighted annual average basis. Also, during the month of September 2007, the concentration of the combined waste stream entering the EBU was not measured.

11. Failed to provide proper notification with each shipment of waste for offsite treatment, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), 40 CFR § 61.342(f)(2), FOP No. O-01380, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on May 5 through 23, and July 1, 2008. Specifically, portions of the shipments on January 31, 2007 and September 11, 2007 did not have the required documents sent with the shipments.

#### 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: Marathon Petroleum Company LLC, Docket No. 2008-1709-AIR-E" to:

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

- 2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Ninety-Two Thousand Two Hundred Seventy-Eight Dollars (\$92,278) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The 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.

Marathon Petroleum Company LLC DOCKET NO. 2008-1709-AIR-E Page 7

# SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

1213/2009 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.

Bradley onstance

Name (Printed or typed) Authorized Representative of Marathon Petroleum Company LLC

**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.

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#### <u>Attachment A</u> Docket Number: 2008-1709-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	MARATHON PETROLEUM COMPANY LLC
Penalty Amount:	Ninety-Two Thousand Two Hundred Seventy-Eight Dollars (\$92,278)
SEP Offset Amount:	Ninety-Two Thousand Two Hundred Seventy-Eight Dollars (\$92,278)
Type of SEP:	Custom
Location of SEP:	Galveston County

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

#### 1. **Project Description**

#### A. <u>Project</u>

The Respondent shall operate and maintain the existing off-site ambient air benzene and meteorological monitoring station from January 1, 2010 through December 31, 2010; and shall upload the resulting data to the TCEQ Leading Environmental Analysis and Display System ("LEADS") data system. The ambient benzene monitor is located between 11<sup>th</sup> Street and 12<sup>th</sup> Street and 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue in Texas City on the north side of the Respondent's refinery in Texas City, Texas. The monitoring site will be listed as the Texas City 11<sup>th</sup> Street monitor on all agency web pages, documents and publications. The Respondent has previously agreed under an existing unrelated Consent Decree to operate the off-site monitor until December 31, 2009. This SEP will provide an additional twelve months of ambient air benzene and meteorological monitoring and data, as well as improve the data availability and add an alert system for elevated ambient air benzene levels.

Commencing January 1, 2010, the Respondent shall also utilize an Environmental Monitoring Response System ("EMRS") system that will notify the Respondent's staff in the event that the off-site monitor detects ambient hourly average benzene levels of 20 parts per billion ("ppb") or higher. The Respondent agrees to commence an investigation into the potential source of elevated levels of ambient air benzene and abate, if possible, the cause of elevated sources from its facility.

The Respondent shall use a qualified contractor to operate and maintain the monitor, perform system calibrations and data validation, audit the measurement systems performance, and to ensure that data is linked and uploaded to the TCEQ. The Respondent shall submit a Quality Assurance Performance Plan (QAPP) or Scope of Work acceptable to TCEQ upon commencement of the monitoring period. The Respondent shall obtain the necessary licenses and any associated subscription fees from IPS MeteoStar for uploading the benzene and meteorological data into the TCEQ LEADs system. The Respondent or its contractor shall also provide contact information and be available during normal business hours to answer questions in a timely manner regarding the data quality from measurements obtained at this site. Any data made publicly available

Marathon Petroleum Company LLC Agreed Order Docket 2008-1709-AIR-E Attachment A

will be validated by the Respondent's contractor within forty-five days of being uploaded to the LEADS system. The data may be made publicly available by TCEQ after the Respondent's validation.

The Respondent and its agents shall perform this Project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including the invoiced costs of the contractor related to the SEP and IPS MeteoStar related fees, and no portion shall be spent on the Respondent's administrative costs.

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

#### B. Environmental Benefit

This Project will provide a discernible environmental benefit by providing data through which causal factors of elevated ambient air benzene may be determined. The system will serve as an early warning of any events at the site or neighboring sites that could have an impact on public health in the community. Also, the evaluation of long-term data may provide information regarding possible long-term health effects. The Project will allow an additional twelve months of monitoring of ambient air benzene concentrations, and will assist the Respondent and regulatory agencies in more rapidly addressing this potential air pollutant in the Texas City area.

#### C. <u>Minimum Expenditure</u>

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

# 2. Performance Schedule

No later than December 31, 2009, the Respondent shall establish the EMRS systems and have the system fully operational.

To meet the requirements of this Agreed Order, the Respondent shall operate the ambient air benzene monitor and meteorological monitoring system for twelve consecutive months beginning not later than January 1, 2010 and not ending before December 31, 2010 and shall continuously operate the EMRS system for twelve consecutive months.

Due Date	Requirement	Responsible Party
12/31/2009	EMRS established and operational	Marathon
1/1/2010	Commence benzene monitoring	Marathon
1/31/2010 (monthly thereafter)	Upload data to LEADS	Marathon
3/17/2010 (every 45 days	Complete LEADS data validation	Marathon
following month end thereafter)		
3/17/2010 (every 45 days following month end thereafter)	LEADS data may be made publically available	TCEQ
4/30/2010	1 <sup>st</sup> Progress Report	Marathon
12/31/2010	Cease benzene monitoring	Marathon
1/31/2011	2 <sup>nd</sup> Progress Report	Marathon
3/31/2011	Final Report	Marathon

MARATHON PETROLEUM COMPANY, LLC Agreed Order Docket 2008-1709-AIR-E Attachment A

#### 3. Reporting

#### A. <u>Progress Reports</u>

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit an electronic Progress Report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. Commencing April 30, 2010, Electronic Progress Reports shall be provided quarterly until the end of the project period. The quarterly Progress Reports shall describe the investigation findings and follow-up for all measured values over 20 ppb. The Progress Reports will also include a data quality summary section documenting measurement data accuracy, precision, and completeness as well as any measurement system performance audit or incident investigation findings during the quarter and an explanation of any significant changes to the data during data validation (e.g. invalidating or changing measured values over 20 ppb).

#### B. <u>Final Report</u>

Within 90 days after completion of the project, the Respondent shall submit a Final Report to the TCEQ which includes:

- 1. A statement that the project has been completed in its entirety;
- 2. An itemized list of expenditures and total of costs incurred with receipts, copies of checks, or other verifying documentation attached;
- 3. Photographs of the project;
- 4. A statement of quantifiable environmental benefits; and
- 5. Any additional information Respondent believes will demonstrate compliance with this Attachment A.

#### C. <u>Address</u>

The Respondent shall submit all SEP reports and any requested additional information to the following addresses:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Houston Regional TCEQ Office Attention: Air Program Manager Texas Commission on Environmental Quality 5425 Polk Ave., Ste. H Houston, TX 77023-1452 Monitoring Operations Division Attention: David Carmichael, MC-165 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

# 4. Additional SEP Information and Monitoring Site Access

The Respondent shall provide any additional SEP information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds.

# 5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a separate attached note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to the Texas Commission on Environmental Quality and mail it to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

# 6. Publicity

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

# 7. Clean Texas Program

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

# 8. Other SEPs by TCEQ or Other Agencies

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