

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:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Marathon Petroleum - Texas City Refinery, 502 10th Street South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 13, 2009. No comments were received.</p> <p>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</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 5 through 23 and July 1, 2008</p> <p>Date of NOV/NOE Relating to this Case: September 8, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation. The case was remanded from the August 26, 2009 Commission Agenda. The case is now ready for consideration.</p> <p>AIR</p> <p>1) Failure to seal open-ended valves with a cap, blind flange, plug or second valve. Specifically according to the operator's repair log, a drain valve, Tag No. 20058, in the Aromatic Recovery ("UDEX") Unit and a valve, Tag No. 090560, in the Platformer Unit were missing plugs on February 18, 2008 and March 28, 2008, respectively [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)].</p> <p>2) Failure 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. 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 [30 TEX. ADMIN. CODE §§ 115.114(a)(4) and 122.143(4), FOP No. O-01380, STC 1.A.,</p>	<p>Total Assessed: \$115,347</p> <p>Total Deferred: \$23,069 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$92,278</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On February 18 and March 28, 2008, installed plugs on drain valve, Tag No. 20058, in the UDEX Unit and a valve, Tag No. 090560, in the Platformer Unit, respectively;</p> <p>b. On May 19, 2008, emptied and degassed tank No. 111;</p> <p>c. On January 1, 2008, began maintaining records of monitoring for carbon canister breakthrough during tank degassing;</p> <p>d. On March 7, 2007, repaired vacuum breakers on internal floating roof tank No. 164;</p> <p>e. On February 25, 2008, replaced the tank floating roof primary seal on external floating roof tank No. 518;</p> <p>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);</p> <p>g. By September 5, 2008, provided complete records for carbon canister design analysis;</p> <p>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;</p> <p>i. On June 16, 2008, began properly monitoring carbon canisters from Lift Station 26 and the Wastewater Treatment NTO;</p> <p>j. By September 5, 2008, collected enough samples from the DNF effluent overflow from the DNF Effluent Tank to demonstrate that the benzene concentration of the stream is less than 10 ppmw. Also on October 9, 2007, the</p>

<p>and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure 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) [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)].</p> <p>4) Failure to maintain vacuum breakers (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 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 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)].</p> <p>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)].</p> <p>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 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-</p>		<p>Respondent resumed sampling from the combined stream; and</p> <p>k. By July 15, 2008, developed new procedures that detail requirements for offsite waste notifications and completed training of waste personnel.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>
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01380, STC 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to maintain records of design analysis for carbon canisters [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)].

8) Failure to maintain and operate Lift Station 26 carbon canisters in a manner consistent with good air pollution control practices for minimizing emissions. 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 [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)].

9) Failure to properly conduct monitoring of carbon canisters. 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 New Thermal Oxidizer ("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 [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)].

10) Failure to monitor the waste streams entering the Enhanced Biodegradation Unit ("EBU") monthly as required. Specifically, the DNF effluent overflow from the Dissolved Nitrogen Flotation ("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 parts per million by weight ("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 [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 §

<p>382.085(b)].</p> <p>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)].</p>		
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Additional ID No(s): GB0055R

Attachment A

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. Project

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 11th Street and 12th Street and 5th Avenue and 6th 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 11th 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

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. Minimum Expenditure

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 following month end thereafter)	Complete LEADS data validation	Marathon
3/17/2010 (every 45 days following month end thereafter)	LEADS data may be made publicly available	TCEQ
4/30/2010	1 st Progress Report	Marathon
12/31/2010	Cease benzene monitoring	Marathon
1/31/2011	2 nd Progress Report	Marathon
3/31/2011	Final Report	Marathon

3. Reporting

A. Progress Reports

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. Final Report

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. Address

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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	15-Sep-2008	Screening	27-Oct-2008	EPA Due	5-Jun-2009
	PCW	22-Jan-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Marathon Petroleum Company LLC
Reg. Ent. Ref. No.	RN100210608
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	36737	No. of Violations	11
Docket No.	2008-1709-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$44,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	170.0% Enhancement	<i>Subtotals 2, 3, & 7</i> \$75,650
Notes	The penalty was enhanced for nine same or similar NOVs, eight unrelated NOVs, three orders containing a denial of liability, and two orders without a denial of liability (one state and one federal order). The penalty was reduced for one Notice of Audit.	
Culpability	No 0.0% Enhancement	<i>Subtotal 4</i> \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i> \$11,125
Economic Benefit	0.0% Enhancement	<i>Subtotal 6</i> \$0
Total EB Amounts	\$11,773	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$271,002	
SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$109,025
OTHER FACTORS AS JUSTICE MAY REQUIRE	5.8% Adjustment	\$6,322
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes	The avoided cost for Violation Nos. 9 and 10.	
	Final Penalty Amount	\$115,347
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$115,347
DEFERRAL	20.0% Reduction Adjustment	-\$23,069
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$92,278

Screening Date	27-Oct-2008	Docket No.	2008-1709-AIR-E	PCW
Respondent	Marathon Petroleum Company LLC			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	36737			<i>PCW Revision June 12, 2008</i>
Reg. Ent. Reference No.	RN100210608			
Media [Statute]	Air			
Enf. Coordinator	Miriam Hall			

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	9	45%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	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	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 170%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced for nine same or similar NOVs, eight unrelated NOVs, three orders containing a denial of liability, and two orders without a denial of liability (one state and one federal order). The penalty was reduced for one Notice of Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 170%

Screening Date 27-Oct-2008	Docket No. 2008-1709-AIR-E	PCW		
Respondent Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36737	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN100210608				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number 1				
Rule Cite(s)	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)			
Violation Description	Failed to seal open-ended valves with a cap, blind flange, plug or second valve. Specifically according to the operator's repair log, a drain valve, Tag No. 20058, in the Aromatic Recovery ("UDEX") Unit and a valve, Tag No. 090560, in the Platformer Unit were missing plugs on February 18, 2008 and March 28, 2008, respectively.			
Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment	\$9,000			
			\$1,000	
Violation Events				
Number of Violation Events	<input type="text" value="2"/>		Number of violation days	
	<input type="text" value="2"/>			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Two single events are recommended (one for each valve).			\$2,000	
Good Faith Efforts to Comply			\$500	
	25.0% Reduction			
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The open ended valves were repaired by March 28, 2008, and the NOE was issued on September 8, 2008.			
Violation Subtotal	\$1,500			
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$0"/>		Violation Final Penalty Total	
			\$5,184	
This violation Final Assessed Penalty (adjusted for limits)			\$5,184	

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 36737
Reg. Ent. Reference No.: RN100210808
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	18-Feb-2008	28-Mar-2008	0.11	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of installing plugs from the date the first plug was missing to the date of the last repair.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$0

Screening Date: 27-Oct-2008	Docket No.: 2008-1709-AIR-E	PCW
Respondent: Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No.: 36737	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No.: RN100210608		
Media [Statute]: Air		
Enf. Coordinator: Miriam Hall		
Violation Number: 2		
Rule Cite(s):	30 Tex. Admin. Code §§ 115.114(a)(4) and 122.143(4); FOP No. O-01380, STC 1.A., and Tax. Health & Safety Code § 382.085(b)	
Violation Description:	Failed to repair or empty and degas external floating roof tank No. 111 (containing gasoline) within 60 days of the discovery of pinhole leaks on the roof deck. 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.	
Base Penalty:		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>
Percent:		25%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Percent:		0%
Matrix Notes:	Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.	
Adjustment:		\$7,500
		\$2,500
Violation Events		
Number of Violation Events:	5	Number of violation days: 456
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
Violation Base Penalty:		\$12,500
Five quarterly events are recommended from the date the repair was required (February 18, 2007) to the date the tank was taken out of service (May 19, 2008).		
Good Faith Efforts to Comply	25.0% Reduction	\$3,125
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	(mark with x)	
Notes:	The tank was emptied and degassed on May 19, 2008, and the NOE was issued on September 8, 2008.	
Violation Subtotal:		\$9,375
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount:	\$31	Violation Final Penalty Total: \$32,401
This violation Final Assessed Penalty (adjusted for limits):		\$32,401

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 38737
Reg. Ent. Reference No.: RN100210608
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	18-Feb-2007	19-May-2008	1.25	\$31	n/a	\$31

Notes for DELAYED costs

The estimated cost of emptying and degassing the tank from the date the tank was required to be emptied or repaired to the actual compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$31

Screening Date 27-Oct-2008	Docket No. 2008-1709-AIR-E	PCW		
Respondent Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36737	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN100210608				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number 3				
Rule Cite(s)	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)			
Violation Description	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).			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="25%"/>
Matrix Notes	The Respondent failed to comply with 100% of the rule requirement.			
Adjustment				\$7,500
				\$2,500
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="1"/>
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
				Violation Base Penalty <input type="text" value="\$2,500"/>
One single event is recommended.				
Good Faith Efforts to Comply		26.0% Reduction	<input type="text" value="\$625"/>	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent began keeping records in January 2008.			
Violation Subtotal				\$1,875
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$25"/>	Violation Final Penalty Total	<input type="text" value="\$6,480"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$6,480"/>

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 38737
Reg. Ent. Reference No.: RN100210808
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Jan-2007	1-Jan-2008	1.00	\$25	n/a	\$25
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of developing procedures to maintain records to comply with the rule requirement from the first date that records were missing to the date records began being kept.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25

Screening Date 27-Oct-2008	Docket No. 2008-1709-AIR-E	PCW		
Respondent Marathon Petroleum Company LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36737	<small>PCW Revision June 12, 2009</small>			
Reg. Ent. Reference No. RN100210608				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number 4				
Rule Cite(s)	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)			
Violation Description	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. Specifically, the vacuum breakers were noted as being stuck 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.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		25%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes	Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="70"/>		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended from the tank inspection date of December 27, 2006 to the compliance date of March 7, 2007.				
Good Faith Efforts to Comply		25.0% Reduction <input type="text" value="\$625"/>		
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	<input type="checkbox"/> (mark with x)		
Notes	The Respondent came into compliance on March 7, 2007.			
Violation Subtotal		\$1,875		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$10"/>		Violation Final Penalty Total <input type="text" value="\$6,480"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,480"/>		

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No: 36737
Reg. Ent. Reference No: RN100210608
Media: Air
Violation No: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$752	27-Dec-2006	7-Mar-2007	0.19	\$0	\$10	\$10
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The actual cost for repairs from the date the breakers were found to not be working until the date they were repaired.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$752

TOTAL

\$10

Screening Date 27-Oct-2008	Docket No. 2008-1709-AIR-E	PCW	
Respondent Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36737	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN100210608			
Media [Statute] Air			
Enf. Coordinator Miriam Hall			
Violation Number 5			
Rule Cite(s)	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)		
Violation Description	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). 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.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			25%
>> Programmatic Matrix			
Falsification			Percent
Major Moderate Minor			0%
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matrix Notes	Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.		
Adjustment			\$7,500
			\$2,500
Violation Events			
Number of Violation Events		2	Number of violation days
		106	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Two quarterly events are recommended from the due date (November 11, 2007) to the actual compliance date (February 25, 2008).			\$5,000
Good Faith Efforts to Comply			\$1,250
25.0% Reduction			
Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	(mark with x)	
Notes	The Respondent came into compliance on February 25, 2008.		
Violation Subtotal			\$3,750
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount		\$5,305	Violation Final Penalty Total
			\$12,960
This violation Final Assessed Penalty (adjusted for limits)			\$12,960

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 36737
Reg. Ent. Reference No.: RN100210808
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The actual cost for replacing the seals from the compliance due date to actual compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$260,966

TOTAL

\$5,305

Screening Date: 27-Oct-2008	Docket No.: 2008-1709-AIR-E	PCW			
Respondent: Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>				
Case ID No.: 36737	<i>PCW Revision June 12, 2008</i>				
Reg. Ent. Reference No.: RN100210608					
Media [Statute]: Air					
Enf. Coordinator: Miriam Hall					
Violation Number: 6					
Rule Cite(s):	30 Tex. Admin. Code §§ 106.263(g) and 122.143(4), FOP No. O-01380, STC 21, and Tex. Health & Safety Code § 362.085(b)				
Violation Description:	Failed to maintain adequate 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 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.				
Base Penalty:		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Matrix Notes	The Respondent failed to comply with approximately 50% of the rule requirement.				
Adjustment:					\$9,000
					\$1,000
Violation Events					
Number of Violation Events:		<input type="text" value="1"/>	Number of violation days:		<input type="text" value="1"/>
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
One single event is recommended.					Violation Base Penalty: \$1,000
Good Faith Efforts to Comply					
		25.0%	Reduction		\$250
		Before NOV	NOV to EDCPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>				
N/A	<input type="checkbox"/>	(mark with x)			
Notes	The records were provided on June 5, 2008.				
Violation Subtotal:					\$750
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount:		<input type="text" value="\$1"/>	Violation Final Penalty Total:		\$2,592
This violation Final Assessed Penalty (adjusted for limits):					\$2,592

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 36737
Reg. Ent. Reference No.: RN100210608
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	5-May-2008	5-Jun-2008	0.08	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of creating the records from the date requested to the date that they were provided.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Screening Date 27-Oct-2008	Docket No. 2008-1709-AIR-E	PGW		
Respondent Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36737	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN100210608				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number				
Rule Cite(s)	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)			
Violation Description	Failed to maintain records of design analysis for carbon canisters.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix				
Falsification				
Major			Minor	
<input type="checkbox"/>			<input type="checkbox"/>	Percent <input type="text" value="25%"/>
<input checked="" type="checkbox"/>			<input type="checkbox"/>	
Matrix Notes	The Respondent failed to comply with 100% of the rule requirement.			
Adjustment			\$7,500	
			\$2,500	
Violation Events				
		<input type="text" value="1"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
One single event is recommended.				
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction <input type="text" value="\$625"/>	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/> (mark with x)			
Notes	The Respondent supplied the information by September 5, 2008.			
Violation Subtotal			\$1,875	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$8"/>	Violation Final Penalty Total	\$6,480	
This violation Final Assessed Penalty (adjusted for limits)			\$6,480	

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
 Case ID No: 38737
 Reg. Ent. Reference No: RN100210808
 Media: Air
 Violation No: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	5-May-2008	5-Sep-2008	0.34	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost of supplying the information from the date requested to the date all the information was submitted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$8

Screening Date 27-Oct-2008	Docket No. 2008-1709-AIR-E	PCW		
Respondent Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36737	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN100210608				
Media [Statute] Air				
Enf. Coordinator Miriam Hall				
Violation Number 8				
Rule Cite(s)	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)			
Violation Description	Failed to maintain and operate Lift Station 26 carbon canisters in a manner consistent with good air pollution control practices for minimizing emissions. 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.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
Matrix Notes	Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
	2	169	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Two quarterly events are recommended from January 2 through June 19, 2008.			\$5,000	
Good Faith Efforts to Comply		25.0% Reduction	\$1,250	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	Violation Subtotal	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent installed a new hose arrangement directly from the lift station to the carbon canisters and installed larger carbon canisters on June 19, 2008.		\$3,750	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$12	Violation Final Penalty Total	\$12,960	
		This violation Final Assessed Penalty (adjusted for limits)	\$12,960	

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 38737
Reg. Ent. Reference No.: RN100210608
Media: Air
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	2-Jan-2008	19-Jun-2008	0.46	\$12	n/a	\$12

Notes for DELAYED costs

The estimated cost for installing a new hose arrangement directly from the lift station to the carbon canisters and installing larger carbon canisters from the date breakthrough was occurring to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$12

Screening Date: 27-Oct-2008	Docket No.: 2008-1709-AIR-E	PCW
Respondent: Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No.: 36737	<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No.: RN100210608		
Media [Statute]: Air		
Enf. Coordinator: Miriam Hall		
Violation Number: 9		
Rule Cite(s):	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)	
Violation Description:	Failed to properly conduct monitoring of carbon canisters. 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 New Thermal Oxidizer ("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.	
Base Penalty:		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percent		25%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%
Matrix Notes	Human health or the environment could have been exposed to significant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.	
Adjustment:		\$7,500
		\$2,500
Violation Events		
Number of Violation Events:	3	Number of violation days: 104
<i>mark only one with an x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
Violation Base Penalty:		\$7,500
A total of three quarterly events are recommended. One quarterly event is recommended for incorrectly monitoring Lift Station 26 from August 30, 2007 through October 24, 2007 (55 days). Two quarterly events are recommended from January 1, 2008 to June 16, 2008 for not monitoring on weekends and holidays (49 missed days during this time period).		
Good Faith Efforts to Comply	25.0% Reduction	\$1,875
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	(mark with x)	
Notes	The Respondent came into compliance on June 16, 2008.	
Violation Subtotal:		\$5,625
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount:	\$5,519	Violation Final Penalty Total: \$19,441
This violation Final Assessed Penalty (adjusted for limits):		\$19,441

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 36737
Reg. Ent. Reference No.: RN100210608
Media: Air
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	30-Aug-2007	16-Jun-2008	0.80	\$20	n/a	\$20
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for training the monitoring technicians to correctly monitor the carbon canisters from the date of the first violation to the compliance date.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$5,145	1-Jan-2008	16-Jun-2008	1.38	\$354	\$5,145	\$5,499
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The approximate cost of monitoring is \$105/day for weekends and holidays only from the first missed monitoring date to the compliance date.

Approx. Cost of Compliance

\$5,645

TOTAL

\$5,519

Screening Date: 27-Oct-2008	Docket No.: 2008-1709-AIR-E	PCW		
Respondent: Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 36737	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No.: RN100210808				
Media [Statute]: Air				
Enf. Coordinator: Miriam Hall				
Violation Number: 10				
Rule Cite(s):	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)			
Violation Description:	Failed to monitor the waste streams entering the Enhanced Biodegradation Unit ("EBU") monthly as required. Specifically, the Dissolved Nitrogen Flotation ("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 parts per million by weight ("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.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percent				10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
Matrix Notes	Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events		2	Number of violation days	
		131		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Violation Base Penalty		\$2,000		
Two single events are recommended. One event for the DNF effluent (May 2008) and one event for the combined waste stream (September 2007).				
Good Faith Efforts to Comply		25.0%	Reduction	
		\$500		
	Extraordinary	<input type="checkbox"/>	Before NOV	
	Ordinary	<input checked="" type="checkbox"/>	NOV to EDCRP/Settlement Offer	
	N/A	(mark with x)		
Notes:	The Respondent came into compliance on September 5, 2008.			
Violation Subtotal		\$1,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$826	Violation Final Penalty Total	\$5,184	
This violation Final Assessed Penalty (adjusted for limits)		\$5,184		

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No.: 38737
Reg. Ent. Reference No.: RN100210608
Media: Air
Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	5-May-2008	5-Sep-2008	0.34	\$3	n/a	\$3

Notes for DELAYED costs

The estimated cost for providing data to demonstrate compliance from the inspection date to the compliance date.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$636	5-May-2007	27-Jun-2008	1.15	\$37	\$730	\$767
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$53	1-Sep-2007	8-Oct-2007	1.02	\$3	\$53	\$56
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The approximate cost of collecting and analyzing at least one sample per month is \$53 per sample. For the DNF effluent overflow, the approximate cost is \$636 per year from one year prior to the investigation to the date sampling began. For the combined stream no samples were taken from September 1, 2007 until October 8, 2007.

Approx. Cost of Compliance

\$689

TOTAL

\$826

Screening Date: 27-Oct-2008	Docket No.: 2008-1709-AIR-E	PCW		
Respondent: Marathon Petroleum Company LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 36737	<i>PCW Revision June 12, 2008</i>			
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 122.143(4); 40 CFR § 61.342(f)(2); POP No. O-01380, STC 1.A., and Tex. Health & Safety Code § 382.085(b)			
Violation Description:	Failed 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.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		Percent	0%	
>> Programmatic Matrix				
			Falsification	
			Major	
			Moderate	
			Minor	
			<input type="checkbox"/>	
			<input type="checkbox"/>	
			<input checked="" type="checkbox"/>	
			<input type="checkbox"/>	
		Percent	10%	
Matrix Notes	The Respondent met approximately 50% of the rule requirement.			
Adjustment		\$9,000		
		\$1,000		
Violation Events				
Number of Violation Events		2	Number of violation days	
		2		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Two single events are recommended (one for each shipment).			\$2,000	
Good Faith Efforts to Comply		\$500		
		25.0% Reduction		
		Before NOV NOV to EDCRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	Violation Subtotal	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	(mark with x)			
Notes	The Respondent completed corrective actions by July 15, 2008.			
		\$1,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$38	Violation Final Penalty Total	
			\$5,184	
		This violation Final Assessed Penalty (adjusted for limits)		
		\$5,184		

Economic Benefit Worksheet

Respondent: Marathon Petroleum Company LLC
Case ID No: 38737
Reg. Ent. Reference No: RN100210608
Media: Air
Violation No: 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	31-Jan-2007	15-Jul-2008	1.45	\$36	n/a	\$36
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost of developing new procedures that detail requirements for offsite waste notifications and training waste personnel from the date of the first violation to the date training was completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$36

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600244933	Marathon Petroleum Company LLC	Classification: AVERAGE	Rating: 2.12
Regulated Entity:	RN100210608	MARATHON PETROLEUM - TEXAS CITY REFINERY	Classification: AVERAGE	Site Rating: 4.06

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0055R
	AIR OPERATING PERMITS	PERMIT	1380
	WASTEWATER	PERMIT	WQ0000990000
	WASTEWATER	PERMIT	TX0003697
	WASTEWATER	EPA ID	TX0003697
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079501
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30326
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50046
	AIR NEW SOURCE PERMITS	REGISTRATION	71874
	AIR NEW SOURCE PERMITS	PERMIT	856
	AIR NEW SOURCE PERMITS	PERMIT	1131
	AIR NEW SOURCE PERMITS	PERMIT	1590
	AIR NEW SOURCE PERMITS	PERMIT	2439
	AIR NEW SOURCE PERMITS	PERMIT	5909
	AIR NEW SOURCE PERMITS	PERMIT	8025
	AIR NEW SOURCE PERMITS	PERMIT	22433
	AIR NEW SOURCE PERMITS	PERMIT	23463
	AIR NEW SOURCE PERMITS	PERMIT	23992
	AIR NEW SOURCE PERMITS	PERMIT	25362
	AIR NEW SOURCE PERMITS	PERMIT	24859
	AIR NEW SOURCE PERMITS	PERMIT	25194
	AIR NEW SOURCE PERMITS	PERMIT	29218
	AIR NEW SOURCE PERMITS	PERMIT	30994
	AIR NEW SOURCE PERMITS	PERMIT	30167
	AIR NEW SOURCE PERMITS	PERMIT	33178
	AIR NEW SOURCE PERMITS	PERMIT	37749
	AIR NEW SOURCE PERMITS	PERMIT	40024
	AIR NEW SOURCE PERMITS	PERMIT	40196
	AIR NEW SOURCE PERMITS	PERMIT	43341
	AIR NEW SOURCE PERMITS	PERMIT	43716
	AIR NEW SOURCE PERMITS	PERMIT	44852
	AIR NEW SOURCE PERMITS	PERMIT	45826
	AIR NEW SOURCE PERMITS	PERMIT	46198
	AIR NEW SOURCE PERMITS	PERMIT	46373
	AIR NEW SOURCE PERMITS	PERMIT	46661
	AIR NEW SOURCE PERMITS	PERMIT	47099
	AIR NEW SOURCE PERMITS	PERMIT	47365
	AIR NEW SOURCE PERMITS	PERMIT	48473
	AIR NEW SOURCE PERMITS	PERMIT	49937
	AIR NEW SOURCE PERMITS	PERMIT	49938
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0055R
	AIR NEW SOURCE PERMITS	PERMIT	53769
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX241M1
	AIR NEW SOURCE PERMITS	REGISTRATION	55858
	AIR NEW SOURCE PERMITS	REGISTRATION	75450
	AIR NEW SOURCE PERMITS	REGISTRATION	75398
	AIR NEW SOURCE PERMITS	AFS NUM	4816700005
	AIR NEW SOURCE PERMITS	REGISTRATION	71646
	AIR NEW SOURCE PERMITS	PERMIT	55772
	AIR NEW SOURCE PERMITS	PERMIT	71657
	AIR NEW SOURCE PERMITS	REGISTRATION	71726
	AIR NEW SOURCE PERMITS	REGISTRATION	72692
	AIR NEW SOURCE PERMITS	REGISTRATION	73969
	AIR NEW SOURCE PERMITS	REGISTRATION	73796
	AIR NEW SOURCE PERMITS	REGISTRATION	74728
	AIR NEW SOURCE PERMITS	REGISTRATION	75175
	AIR NEW SOURCE PERMITS	REGISTRATION	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
AIR NEW SOURCE PERMITS	REGISTRATION	79948
AIR NEW SOURCE PERMITS	REGISTRATION	80523
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
AIR NEW SOURCE PERMITS	REGISTRATION	84800
AIR NEW SOURCE PERMITS	REGISTRATION	82870
AIR NEW SOURCE PERMITS	REGISTRATION	83708
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 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 25, 2008, revised January 22, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 25, 2003 to November 25, 2008

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

Name: Miriam Hall Phone: (512) 239 - 1044

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 07/30/2004

ADMINORDER 2003-1126-IWD-E (1660)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC 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)
70	08/18/2005	(405650)
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	04/03/2006	(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)
103	03/05/2007	(536010)
104	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)

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)

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

Date: 03/18/2004 (261731)

Self Report? NO Classification Moderate

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)

Rqmt Prov: PA 22433, SC 9E

Description: Marathon Ashland Petroleum failed to cap or plug valve nos., 140757, 140760, 140772, 140725, and 140730. All the valves were in VOC service and without the required cap or plug

Self Report? NO Classification Moderate

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)

Self Report? YES Classification Moderate

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

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

Date: 09/30/2004 (351881)

Self Report? YES Classification Moderate

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

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

Date: 11/30/2004 (381741)

Self Report? YES Classification Moderate

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

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

Date: 12/31/2004 (381742)

Self Report? YES Classification Moderate

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

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

Date: 08/29/2005 (346080)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.770

Description: Failure to apply for a Permit or Permit-by-Rule for the #4 Well Pump.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.770

Description: Failure to apply for a permit or Permit-by-Rule by September 1, 2003, for the Railcar Fugitives.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.360(a)(1)

Description: Failure to Certify the #4 Well Pump, by June 30, 2001.

Self Report? YES Classification Moderate

Description: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)

Description: Failure to equip External Floating Roof Tanks with gasketed cover.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.271(a)(5)

Description: Failure to equip Internal Floating Roof Tanks with a gasketed cover.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)

Description: Failure to install a closed loop or equivalent in sampling system

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)

Description: Failure to monitor Relief valves within 24 hours of lifting to atmosphere.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to comply with the Terms and Conditions of their Operating Permit

Date: 09/30/2005 (468214)

Self Report? YES Classification Moderate

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

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

Date: 07/14/2006 (484513)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT Permit # 22433, SC #1

Description: Failure to prevent an operator error resulting in unauthorized emission of nitrogen oxide.

Date: 09/18/2006 (530966)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2006 (544331)

Self Report? YES Classification Moderate

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

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

Date: 10/19/2006 (516360)

Self Report? NO Classification Moderate

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

Rqmt Prov: PA Flexible Permit #22433, SC#1

Description: Failure to prevent unauthorized emission of propylene.

Date: 10/25/2006 (516362)

Self Report? NO Classification Moderate

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

Rqmt Prov: PA Flexible Permit # 22433

Description: Failure to prevent unauthorized emission of benzene.
Date: 02/02/2007 (512535)

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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT No. 22433, Special Condition 6E
OP No. O-01380, Special Condition 1A
OP No. O-01380, Special Condition 21A

Description: failure to equip open ended lines and valves with a plug, cap, blind flange or second valve.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP No. O-01380, Special Condition 1A

Description: failure to install a flow meter that provides a record of vent stream flow to the flare.

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 VV 60.485(b)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

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 conformed to the requirements of 40 CFR Part 60, Subpart VV § 60.485(b)(1).

Date: 02/06/2008 (553832)

Self Report? NO Classification Moderate

Citation: 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 H 63.163(b)(1)

Rqmt Prov: OP FOP O-01380 SC 21
PA NSR Permit 22433 SC 7

Description: Failure to monitor components in VOC service.

Self Report? NO Classification Moderate

Citation: 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 H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01380 SC 21
PA NSR Permit 22433 SC 7E

Description: Failure to maintain a seal on open ended lines.

Self Report? NO 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: Failure to sample cooling towers on a monthly basis.

Self Report? NO 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: Failure to maintain H2S concentrations within limits.

Self Report? NO 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 SC21		
	PA NSR Permit 22433 SC 39E		
Description:	Failure to maintain CO emissions within emission limits.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(1)(A)		
	30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)		
	5C THSC Chapter 382 382.085(b)		
Description:	Failure to calibrate flow and temperature monitors in HRVOC service.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(3)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP FOP O-01380 SC 17		
Description:	Failure to calibrate fugitive monitoring equipment with certified gases.		
Self Report?	NO	Classification	Minor
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 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 FF 61.356(j)(10)		
	5C THSC Chapter 382 382.085(b)		
Description:	Failure to record changes in carbon canisters.		
Self Report?	NO	Classification	Minor
Citation:	40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.145(b)		
	5C THSC Chapter 382 382.085(b)		
Description:	Failure to submit notification of intent to demolish asbestos.		
Self Report?	NO	Classification	Moderate
Citation:	40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)		
	5C THSC Chapter 382 382.085(b)		
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 required time frame.		
Date: 04/24/2008 (637230)			
Self Report?	NO	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 after sampling is completed		
Date: 08/07/2008 (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:	PERMIT Special Condition #1		
Description:	Failure to prevent toluene leak in the underground pipeline.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.201(c)		
Description:	Failure to submit the final report within 14 days of the end of the event.		
Date: 08/20/2008 (689244)			
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	PERMIT Special Condition #1		
Description:	Failure to prevent hydrocarbon leak near the base of Tank 112.		

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**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

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

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 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.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to 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 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.

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

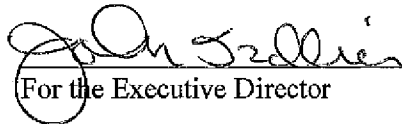
Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/3/2009
Date

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

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

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

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



Signature

10/30/09
Date

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

Division
Title Manager

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

Attachment A
Docket Number: 2008-1709-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. Project

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 11th Street and 12th Street and 5th Avenue and 6th 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 11th 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

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. Minimum Expenditure

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 following month end thereafter)	Complete LEADS data validation	Marathon
3/17/2010 (every 45 days following month end thereafter)	LEADS data may be made publically available	TCEQ
4/30/2010	1 st Progress Report	Marathon
12/31/2010	Cease benzene monitoring	Marathon
1/31/2011	2 nd Progress Report	Marathon
3/31/2011	Final Report	Marathon

3. Reporting

A. Progress Reports

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. Final Report

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. Address

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.