

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-1158-AIR-E RN100218130 CASE NO.: 38015
RESPONDENT NAME: HOUSTON REFINING LP

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 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

SITE WHERE VIOLATION(S) OCCURRED: 12000 Lawndale Street, Houston, Harris County

TYPE OF OPERATION: petroleum refinery

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional enforcement actions pending against this facility location (Enforcement Case No. 40190, screening date 8/10/10; Docket No. 2010-0641-AIR-E; Docket No. 2010-0211-AIR-E).

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

COMMENTS RECEIVED: The *Texas Register* comment period expired August 9, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Georgena Hawkins, Air Enforcement Section, MC 149, (512) 239-2583

TCEQ Regional Contact: Mr. Manual Bautista, Houston Region Office, MC R-12, (713) 767-3678
 Mr. Jason Harris, Houston Region Office, MC R-12 (713) 767-3609

Respondent: Mr. Tom Phillips, Senior Environmental Compliance Specialist, Houston Refining LP, 12000 Lawndale Street, Houston, Texas 77017-2740

Respondent's Attorney: Ms. Jennifer Keane, Baker Botts, L.L.P., 98 San Jacinto Boulevard, Suite 1500, Austin, Texas 78701

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 12, 2009</p> <p>Date of NOE Relating to this Case: July 17, 2009</p> <p>Background Facts: The EDPRP was filed on April 13, 2010. Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on June 11, 2010. The original signature page was received on September 8, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation to certify compliance with the technical requirements.</p> <p>AIR:</p> <p>1. Failed to comply with permitted emissions limits. Specifically, 4,191.2 pounds ("lbs") of sulfur dioxide ("SO₂"), 48.3 lbs of carbon monoxide ("CO"), and 158.8 lbs of hydrogen sulfide ("H₂S") were released over a period of 5.2 hours on May 29, 2009. The TCEQ determined that these emissions could have been avoided by better operational practices [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3); TEX. HEALTH & SAFETY CODE § 382.085(b); and New Source Review Flexible Air Permit No. 2167/PSD-TX-985, Special Condition 1].</p> <p>2. Failed to provide a complete emissions event report. Specifically, the final report of the emissions event that occurred on May 29, 2009, failed to include the authorization number governing the facilities involved in the event [30 TEX. ADMIN. CODE § 101.210(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,501</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$0/\$10,501</p> <p>Respondent filed for bankruptcy protection in the Southern District of New York on January 6, 2009. The violations alleged in this order occurred post-petition, pre-confirmation, and the assessed administrative penalty is included in TCEQ's Motion for Administrative Expense Claim which was filed with the bankruptcy court in June 2010.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days; a. Design and implement procedures to prevent the recurrence of emissions events due to the same or similar causes as those of the May 29, 2009, emissions event; and</p> <p>b. Implement procedures designed to ensure proper reporting of events.</p> <p>2. Within 45 days, submit written certification to demonstrate compliance.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Jul-2009			
	PCW	23-Apr-2010	Screening	23-Jul-2009	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Houston Refining LP				
Reg. Ent. Ref. No.	RN100218130				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	38015	No. of Violations	2		
Docket No.	2009-1158-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Terry Murphy		
		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)	Subtotal 1	\$2,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	401.0% Enhancement	Subtotals 2, 3, & 7	\$10,426
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Notes: The penalty was enhanced by 12 similar and 11 dissimilar NOVs, five 1660-style and nine findings agreed orders. The penalty was reduced by four NOAs and one DOV.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$255
 Approx. Cost of Compliance: \$5,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,026
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,026
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,501
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$10,501
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Screening Date 23-Jul-2009

Docket No. 2009-1158-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 38015

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Terry Murphy

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>)	12	60%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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	9	225%
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>)	4	-4%
	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>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 401%

>> **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 by 12 similar and 11 dissimilar NOVs, five 1660-style and nine findings agreed orders. The penalty was reduced by four NOAs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 401%

Screening Date 23-Jul-2009 **Docket No.** 2009-1158-AIR-E **PCW**
Respondent Houston Refining LP *Policy Revision 2 (September 2002)*
Case ID No. 38015 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100218130
Media [Statute] Air
Enf. Coordinator Terry Murphy

Violation Number 1

Rule Cite(s) New Source Review Flexible Air Permit No. 2167/PSD-TX-985, Special Condition 1, 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with permitted emissions limits, as documented during an investigation conducted on June 12, 2009. Specifically, during an emissions event (Incident No. 124877) on May 29, 2009, operations personnel improperly shut down the Sulfur Recovery Unit's thermal oxidizer, causing the unauthorized release of 4,191.2 pounds ("lbs") of SO₂, 48.3 lbs of carbon monoxide, and 158.8 lbs of H₂S from the 435 Inline Heater (Emissions Point Number ["EPN"] 435 Unit) and the 440 Inline Heater (EPN 440 Unit) over a period of 5.2 hours. The TCEQ determined that these emissions could have been avoided by better operational practices.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	25%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 1 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended, based on the May 29, 2009 emissions event.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$238

Violation Final Penalty Total \$12,525

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 38015
Reg. Ent. Reference No. RN100218130
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)	\$5,000	29-May-2009	1-Feb-2010	0.68	\$11	\$226	\$238
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

Estimated costs to improve operational practices. The Date Required is the date of the emissions event, and the Final Date is the date improvements are expected to be completed.

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

\$5,000

TOTAL

\$238

Screening Date 23-Jul-2009 **Docket No.** 2009-1158-AIR-E **PCW**
Respondent Houston Refining LP *Policy Revision 2 (September 2002)*
Case ID No. 38015 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100218130
Media [Statute] Air
Enf. Coordinator Terry Murphy

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 101.210(b)(1)(H) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to provide a complete emissions event report, as documented during an investigation conducted on June 12, 2009. Specifically, the final report of the emissions event (Incident No. 124877) that occurred on May 29, 2009, failed to include the authorization number governing the facilities involved in the event.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1%

Matrix Notes The Respondent failed to provide less than 30% of the required information.
Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 1 Number of violation days
 mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event x
Violation Base Penalty \$100

One single event is recommended based on the one report.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.
Violation Subtotal \$100

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

Estimated EB Amount \$17 **Violation Final Penalty Total** \$501
This violation Final Assessed Penalty (adjusted for limits) \$501

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 38015
Reg. Ent. Reference No. RN100218130
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
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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	\$500	11-Jun-2009	11-Feb-2010	0.67	\$17	n/a	\$17
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

Estimated costs to provide additional training on proper emissions event reporting. The Date Required is the date the deficient report was submitted, and the Final Date is when the additional training is expected to be completed.

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

\$17

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601313083	Houston Refining LP	Classification: AVERAGE	Rating: 9.22
Regulated Entity:	RN100218130	HOUSTON REFINING	Classification: AVERAGE	Site Rating: 9.22
ID Number(s):	AIR OPERATING PERMITS		ACCOUNT NUMBER	HG0048L
	AIR OPERATING PERMITS		PERMIT	1372
	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	78219
	AIR NEW SOURCE PERMITS		PERMIT	2167
	AIR NEW SOURCE PERMITS		PERMIT	3844
	AIR NEW SOURCE PERMITS		PERMIT	31955
	AIR NEW SOURCE PERMITS		PERMIT	38735
	AIR NEW SOURCE PERMITS		PERMIT	44938
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	HG0048L
	AIR NEW SOURCE PERMITS		REGISTRATION	54769
	AIR NEW SOURCE PERMITS		REGISTRATION	55719
	AIR NEW SOURCE PERMITS		REGISTRATION	75386
	AIR NEW SOURCE PERMITS		AFS NUM	48201000
	AIR NEW SOURCE PERMITS		EPA ID	PSDTX98
	AIR NEW SOURCE PERMITS		REGISTRATION	71613
	AIR NEW SOURCE PERMITS		REGISTRATION	74743
	AIR NEW SOURCE PERMITS		REGISTRATION	76934
	AIR NEW SOURCE PERMITS		REGISTRATION	78506
	AIR NEW SOURCE PERMITS		REGISTRATION	80698
	AIR NEW SOURCE PERMITS		REGISTRATION	43445
	AIR NEW SOURCE PERMITS		REGISTRATION	46595
	AIR NEW SOURCE PERMITS		REGISTRATION	49678
	AIR NEW SOURCE PERMITS		REGISTRATION	50839
	AIR NEW SOURCE PERMITS		REGISTRATION	56586
	AIR NEW SOURCE PERMITS		REGISTRATION	71380
	AIR NEW SOURCE PERMITS		REGISTRATION	81566
	AIR NEW SOURCE PERMITS		REGISTRATION	86815
	AIR NEW SOURCE PERMITS		REGISTRATION	87937
	AIR NEW SOURCE PERMITS		REGISTRATION	85715
	AIR NEW SOURCE PERMITS		REGISTRATION	84563
	AIR NEW SOURCE PERMITS		REGISTRATION	84606
	WASTEWATER		PERMIT	WQ0000
	WASTEWATER		PERMIT	TPDES00
	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1011570
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		EPA ID	TXD0826
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE		PERMIT	50106
	WATER LICENSING		LICENSE	1011570
	IHW CORRECTIVE ACTION		SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE		PERMIT	50106
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS		PERMIT	50106

Location: 12000 LAWNSDALE ST, HOUSTON, TX, 77017
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: July 22, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 22, 2004 to July 22, 2009
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:

Name: Terry Murphy Phone: (512) 239-5025

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/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site :

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

1 Effective Date: 04/10/2005 ADMINORDER 2004-0866-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT
Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

2 Effective Date: 08/07/2005 ADMINORDER 2004-2002-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

- 3 **Effective Date: 12/15/2005** **ADMINORDER 2005-1172-AIR-E**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT
Description: Failed to comply with permitted emissions limits.
- 4 **Effective Date: 02/05/2006** **ADMINORDER 2005-0754-AIR-E**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emissions limits.
- 5 **Effective Date: 02/20/2006** **ADMINORDER 2005-0359-AIR-E**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #2 PA
Description: Failed to limit the hydrogen sulfide ("H2S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #44B PA
Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #2 PA
Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Special Condition 47 PERMIT
Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #14.I PA
Description: Failed to repair three valves within 15 days of leak detection
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #37 PA
Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-ICN and TGU-ICN2) below 235 ppmv on a one-hour average basis.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit #2167, SC #4 PA
Description: Failed to conduct the required inspections for three storage tanks.

6 Effective Date: 05/28/2006

ADMINORDER 2005-1985-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

7 Effective Date: 06/15/2006

ADMINORDER 2005-2073-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions.

8 Effective Date: 02/05/2007

ADMINORDER 2006-0811-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions on March 21, 2006.

9 Effective Date: 08/10/2007

ADMINORDER 2007-0440-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 10,494 pounds ("lbs") of sulfur dioxide, 126 lbs of carbon monoxide and 22 lbs of hydrogen sulfide were released from the Magnaformer Unit and the Sulfur Recovery Complex during an emissions event that began January 4, 2007 and lasted nine hours and 45 minutes.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 1,431 pounds ("lbs") of propane, 510 lbs of propylene and 11 lbs of butenes were released from Unit 234 during an avoidable emissions event that began January 9, 2007 and lasted eight hours.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 8,205 pounds of the Highly Reactive Volatile Organic Compound ethylene were released from the Paraxylene Recovery Unit during an avoidable emissions event that began January 16, 2007 and lasted one hour and 55 minutes.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to properly report the amount of ethylene emissions. Specifically, the final notification reported 7,650 lbs of ethylene were released as a result of the January 16, 2007, emissions event and the investigation determined that the actual emissions released were 8,205 lbs of ethylene.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 189 lbs of propane, 530 lbs of propylene, 821 lbs of butanes, 1,064 lbs of butenes, 3,154 lbs of pentanes, 2,589 lbs of pentenes and 13,734 lbs of C6+ Hazardous Air Pollutants ("HAP") were released from the 732 Fluid Catalytic Cracking Unit ("FCCU")

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 72 lbs of ethylene, 2,195 lbs of propane, 7,057 lbs of propylene, 11,000 lbs of butanes, 8,990 lbs of butenes, 4,110 lbs of pentanes and 23,328 lbs of C6+ HAPs were released from the 732 FCCU during an avoidable emissions on event March 5, 2007

10 Effective Date: 10/04/2007

ADMINORDER 2007-0713-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,830 lbs of SO2 from the Sulfur Recovery Complex during an avoidable emissions event that began April 3, 2007 and lasted one hour and 30 minutes.

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 54,320 lbs of sulfur dioxide, 700 lbs of sulfur trioxide, 596 lbs of hydrogen sulfide, 304 lbs of ammonia and 76 lbs nitric oxide from the Sulfur Recovery Unit during an avoidable emissions event that began April 21, 2007 and lasted 16 hours

Classification: Minor

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

Description: Failed to submit an initial notification within 24 hours of the discovery of the April 21, 2007 emissions event. Specifically, the report, which was due April 22, 2007, was not submitted until April 26, 2007.

11 Effective Date: 12/20/2007

ADMINORDER 2006-1948-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Flexible Permit No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions on October 2, 2006, when a console operator inadvertently opened the wrong valve, resulting in an emissions event that released 2,608.50 pounds of sulfur dioxide and lasted for one hour (Incident No. 82077)

12 Effective Date: 07/21/2008

ADMINORDER 2007-1954-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter G 116.715(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

13 Effective Date: 10/23/2008

ADMINORDER 2008-0894-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 26 PERMIT

Description: As owner and operator of the Plant, the Respondent is alleged to have failed to prevent excess hydrogen sulfide in the refinery fuel gas and prevent unauthorized emissions during an April 28, 2008 emissions event.

14 Effective Date: 11/06/2008

ADMINORDER 2008-0674-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP #O-01372, STC #1.H.(iv) OP

Description: Failed to operate six cooling tower heat exchange system HRVOC analyzers for the minimum 95% of the required operating time from April 1, 2006 through January 31, 2007.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPPT A 60.13(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 12F OP

Description: Failed to perform daily/zero span checks on the sulfur dioxide analyzer on the 435 Unit when Houston Refining ran out of calibration gas and the repair exceeded the maximum of five days from November 25, 2005 through December 2, 2005

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC #1A OP
FOP# O-01372, SC# 28 OP
NSR Permit # 2167, SC#29 PA

Description: Failed to demonstrate that flares were operated with a continuously operating pilot light. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0005) on September 19, 2005; Plant Flare No. 3 (338K0007) on November 17, 2005, December 1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP # O-01372, SC # 28 OP
FOP # O-01372, SC #1A OP
NSR Permit # 2167, SC #14E PA

Description: Failed to cap 13 open-ended valves/lines with either a cap, plug, blind flange or other sealing device.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP # O-01372, SC # 1A OP
FOP # O-01372, SC# 13B OP

Description: Failed to perform monthly visual inspections to individual drain systems. Specifically, during September and October 2005, one and five drain inspections was missed, respectively.

Classification: Moderate

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

Rqmt Prov: FOP # O-01372, SC #28 OP
NSR Permit # 2167, SC # 44B PA

Description: Failed to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid to-gas ratio ("L/G") of 16.0 gallons per 1000 actual cubic feet ("16.0 gal/1000 ft³"). Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1000 ft³, and the minimum pressure drop fell below 0.91 psi. from May 25 through 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP# O-01372, SC #1A OP

Description: Failed to change out the carbon from a carbon canister immediately after breakthrough was discovered on November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(g)(1)(B)(ii)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC #1A OP

Description: Failed to operate a continuous run-time meter for the firewater pump at Dock A from July 1, 2005 through January 10, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP

Description: Failed to perform the required semi-annual seal inspection on volatile organic compound ("VOC") storage tanks. Specifically, Houston Refining failed to do semi-annual seal inspections on Tank No. 137TK0412 from June 8, 2005 to August 3, 2005 and 32TK0854 from December 6, 2004 to July 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 28 OP
NSR Permit #2167, SC# 20D PA

Description: Failed to perform the required seal gap inspection on Tank No. 137TK0890 within 60 days of tank refilling. Specifically, the tank was put back into service on August 24, 2005 after being out of service more than two years for extensive repairs and a seal gap inspection was not conducted by October 23, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP

Description: Failed to perform routine LDAR monitoring on the Tank 669 East transfer pump from July 1, 2005 through November 15, 2005 and on two pumps in the 734 Benzene Toluene Unit during the first and second quarters of 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 28 OP
NSR Permit# 2167, SC# 14I & 15H PA

Description: Failed to repair eight individual component leaks found during AVO inspections within 15 calendar days from July 26, 2005 through December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-021372, SC# 28 OP
NSR Permit# 2167, SC# 14I & 15H PA

Description: Failed to repair two leaking valves in Hazardous Organic National Emission Standards for Hazardous Air Pollutants ("HON") service within 15 calendar days. Specifically, the valves were found leaking on August 11, 2005 and were repaired on September 12, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 28 OP
NSR Permit # 2167, SC# 15F PA

Description: Failed to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006. Specifically, Houston Refining failed to monitor 71 valves on the 135 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the FCCU, and three valves in the 536, 537, and 736 Units from July 1, 2005 through December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC#1.H(v) OP

Description: Failed to perform initial monitoring of approximately 651 connectors in HRVOC service. Specifically, approximately 350 Black Lake Unit and Propane/Propylene Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 301 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(g)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP#O-01372, SC#1.H(v) OP

Description: Failed to record all the required monitoring data for 236 HRVOC-service valves in July 2005 on the 736 Unit. Specifically, due to data logger failure, the same date and time of monitoring was recorded for 236 valves instead the exact date and time of the monitoring of each valve. Non-leaking valves were given the same default readings but leaking valves had the correct readings.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP #O-01372, SC # 1.H.(v) OP

Description: Failed to repair three valves and two connectors in HRVOC service within seven days. Specifically, Houston Refining failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 938 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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 63.168(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 28 OP
NSR Permit# 2167, SC# 15F PA

Description: Failed to monitor 406 valves on the Para-xylene Recovery Unit ("PRU"), including valves in HON-service, during first quarter 2005, 551 HON-service valves on the PRU during the second quarter 2005, and 26 HON-service valves on the 934 Unit during the third quarter 2005.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 3(B)(i) OP

Description: Failed to prevent visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 536 F-1B IDAP failed causing the heater oxygen to fall causing visible smoke from the heater stack.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1.H.(ii) OP

Description: Failed to complete a written monitoring plan for continuous monitoring systems by December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP #O-01372, SC #1.H(ii) OP
FOP #O-01372, SC 1.H(i) OP

Description: Failed to test 32 HRVOC analyzers on 32 HRVOC service heater stacks by January 30, 2006.

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 the permitted effluent limits (Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Nos. 1 and 2 for Outfall 002A, and No. 1 for Outfall 003A).

Classification: Minor

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

Description: Failed to submit the initial notification for the May 28, 2007 emissions event in a timely manner. Specifically, the report, which was due May 29, 2007 was not submitted until May 31, 2007.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 2,781 pounds of nitrogen oxide ("NOx") from the Fluid Catalytic Cracking Unit ("FCCU") during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

Classification: Minor

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

Description: Failed to properly report the amount of unauthorized NOx emissions released as a result of the May 28, 2007 emissions event.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,500 lbs of VOC, including 1,019 lbs of the HRVOC propylene, from the Butane Recovery Unit during an emissions event that began October 9, 2007 and lasted two hours. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during a March 19, 2008 emissions event the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 lbs of sulfur dioxide, 1,902 lbs of VOC, 1,079 lbs of carbon monoxide, 154 lbs of NOx, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	07/22/2004	(351817)	69	10/31/2005	(432333)	137	07/25/2007	(566621)
2	08/11/2004	(286666)	70	11/07/2005	(468145)	138	08/13/2007	(601490)
3	08/11/2004	(287948)	71	11/23/2005	(435308)	139	08/17/2007	(570286)
4	08/11/2004	(288389)	72	12/02/2005	(431511)	140	08/23/2007	(570387)
5	08/16/2004	(260585)	73	12/28/2005	(434541)	141	08/28/2007	(570635)
6	08/16/2004	(260979)	74	01/19/2006	(468146)	142	09/07/2007	(573978)
7	08/16/2004	(351818)	75	02/01/2006	(468142)	143	09/14/2007	(601491)
8	08/19/2004	(261725)	76	02/25/2006	(456998)	144	09/27/2007	(595742)
9	08/24/2004	(271493)	77	02/25/2006	(457004)	145	10/08/2007	(619398)
10	08/31/2004	(271505)	78	02/25/2006	(457020)	146	10/10/2007	(594976)
11	08/31/2004	(289666)	79	02/28/2006	(457235)	147	10/17/2007	(567541)
12	08/31/2004	(292409)	80	03/17/2006	(468143)	148	10/18/2007	(566919)
13	09/01/2004	(276631)	81	04/10/2006	(498011)	149	10/19/2007	(598478)
14	09/15/2004	(351819)	82	04/20/2006	(437368)	150	10/25/2007	(596179)
15	10/15/2004	(282886)	83	04/27/2006	(439800)	151	11/06/2007	(619399)
16	10/18/2004	(351820)	84	05/10/2006	(498012)	152	11/09/2007	(599574)
17	10/19/2004	(335898)	85	05/31/2006	(480494)	153	12/04/2007	(600555)
18	10/19/2004	(336015)	86	05/31/2006	(480500)	154	12/10/2007	(619400)
19	11/11/2004	(290238)	87	05/31/2006	(480503)	155	12/21/2007	(610028)
20	11/11/2004	(291091)	88	05/31/2006	(480504)	156	01/15/2008	(612806)
21	11/11/2004	(292704)	89	05/31/2006	(480506)	157	01/15/2008	(671905)
22	11/14/2004	(271509)	90	06/14/2006	(479843)	158	01/18/2008	(609373)
23	11/18/2004	(340059)	91	06/15/2006	(461559)	159	01/25/2008	(613320)

24	11/18/2004	(351821)	92	06/15/2006	(481316)	160	01/28/2008	(616032)
25	11/22/2004	(341679)	93	06/15/2006	(498013)	161	01/29/2008	(611265)
26	12/03/2004	(269989)	94	06/29/2006	(458901)	162	02/11/2008	(671904)
27	12/07/2004	(341250)	95	06/30/2006	(469140)	163	03/03/2008	(616148)
28	12/09/2004	(342162)	96	07/17/2006	(485790)	164	03/24/2008	(689825)
29	12/14/2004	(342195)	97	07/26/2006	(520029)	165	04/07/2008	(617770)
30	12/16/2004	(285369)	98	07/28/2006	(463199)	166	04/08/2008	(595524)
31	12/27/2004	(351822)	99	08/08/2006	(489220)	167	04/14/2008	(689826)
32	12/28/2004	(278159)	100	08/11/2006	(520030)	168	04/22/2008	(639660)
33	01/18/2005	(381702)	101	08/18/2006	(396831)	169	04/22/2008	(640670)
34	01/28/2005	(345654)	102	09/11/2006	(489202)	170	05/15/2008	(689827)
35	02/02/2005	(347718)	103	09/11/2006	(574927)	171	05/30/2008	(670616)
36	02/15/2005	(381700)	104	10/06/2006	(489212)	172	06/23/2008	(710583)
37	03/16/2005	(347527)	105	10/12/2006	(544276)	173	07/11/2008	(710584)
38	03/21/2005	(381701)	106	10/30/2006	(511654)	174	08/14/2008	(710585)
39	03/29/2005	(375273)	107	11/21/2006	(544277)	175	08/18/2008	(699930)
40	04/14/2005	(372794)	108	12/11/2006	(574928)	176	08/22/2008	(688646)
41	04/14/2005	(376977)	109	01/08/2007	(574929)	177	08/27/2008	(687046)
42	04/18/2005	(419493)	110	01/09/2007	(532009)	178	08/27/2008	(687290)
43	04/19/2005	(376798)	111	01/25/2007	(512685)	179	09/09/2008	(701172)
44	04/22/2005	(349552)	112	02/02/2007	(435323)	180	09/23/2008	(710586)
45	05/02/2005	(372107)	113	02/02/2007	(511662)	181	10/08/2008	(702275)
46	05/03/2005	(376226)	114	02/05/2007	(536476)	182	10/23/2008	(710587)
47	05/20/2005	(381195)	115	02/08/2007	(512678)	183	10/29/2008	(686547)
48	05/24/2005	(419494)	116	02/16/2007	(574922)	184	11/17/2008	(727381)
49	05/25/2005	(379525)	117	02/22/2007	(510814)	185	11/26/2008	(709085)
50	05/26/2005	(337173)	118	02/23/2007	(511980)	186	12/08/2008	(709767)
51	05/26/2005	(349881)	119	03/16/2007	(574923)	187	12/15/2008	(721107)
52	06/07/2005	(395018)	120	03/21/2007	(539188)	188	12/18/2008	(727382)
53	06/20/2005	(419495)	121	03/21/2007	(539192)	189	01/12/2009	(750119)
54	06/21/2005	(379593)	122	03/21/2007	(539194)	190	02/04/2009	(709615)
55	07/07/2005	(379524)	123	04/04/2007	(554793)	191	02/04/2009	(721393)
56	07/22/2005	(400281)	124	04/04/2007	(554809)	192	02/18/2009	(750118)
57	07/25/2005	(419496)	125	04/13/2007	(574924)	193	03/16/2009	(738275)
58	08/15/2005	(404916)	126	04/20/2007	(556941)	194	03/25/2009	(737507)
59	08/18/2005	(404331)	127	04/24/2007	(557537)	195	03/25/2009	(737734)
60	08/18/2005	(404363)	128	04/30/2007	(554360)	196	04/28/2009	(703271)
61	08/24/2005	(405556)	129	05/04/2007	(556720)	197	05/12/2009	(741579)
62	08/24/2005	(405604)	130	05/09/2007	(556980)	198	05/14/2009	(743937)
63	08/24/2005	(440650)	131	05/15/2007	(574925)	199	05/21/2009	(705709)
64	08/25/2005	(404773)	132	05/29/2007	(559572)	200	06/23/2009	(744719)
65	09/19/2005	(440651)	133	06/14/2007	(574926)	201	07/02/2009	(760296)
66	10/10/2005	(431795)	134	07/03/2007	(563761)	202	07/10/2009	(748269)
67	10/10/2005	(468144)	135	07/12/2007	(619397)	203	07/17/2009	(760007)
68	10/28/2005	(432450)	136	07/20/2007	(561274)			

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

- 1 Date: 08/16/2004 (260585) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ FLEXIBLE AIR PERMIT 2167, SC #1 PERMIT
Description: Exceeded VOC permit limit during an avoidable emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to submit an administratively complete final emissions event report.
- 2 Date: 08/16/2004 (260979) CN601313083
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
Description: Failure to comply with emissions events reporting requirements.
- 3 Date: 08/18/2004 (261725) CN601313083
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Flexible Air Permit #2167, SC #1 PERMIT
Description: Failure to submit an administratively complete final emissions event report.
- 4 Date: 11/14/2004 (271509) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Flexible No. 2167 and PSD-TX-985, S.C. 1 PERMIT
Description: Exceeded VOC permit limits during an avoidable emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Failure to submit a final report within 14 days of the end of an emissions event.
- 5 Date: 11/30/2004 (351822) CN601313083
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

6 Date: 12/09/2004 (342162) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
Special Conditon #1 PA
Description: Failure to control unauthorized emissions.

7 Date: 05/02/2005 (372107) CN601313083
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.

8 Date: 05/26/2005 (379525) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to control knockout pot level on south compressor.

9 Date: 07/06/2005 (379524) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 15E PERMIT
Description: Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6
5C THC Chapter 382, SubChapter A 382.085(b)
Special Condition 15E PERMIT
Description: Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.

10 Date: 07/31/2005 (440650) CN601313083
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

11 Date: 06/13/2006 (479843) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Lyondell failed to prevent the "Y Train" from overpressuring.

12 Date: 06/30/2006 (520029) CN601313083
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

13 Date: 07/31/2006 (520030) CN601313083
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

14 Date: 08/01/2006 (463199) CN601313083
Self Report? NO Classification: Moderate
Citation: 2167 and PSD-TX-985, SC 15E PA
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Description: Failure to cap/plug open-ened line
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
Description: Leaking plug associated with valve #802412.
Self Report? NO Classification: Moderate
Citation: 2167 and PSD-TX-985, SC 15F PA
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
Description: Failure to monitor valves

15 Date: 08/09/2006 (489220) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Flexible Permit #2167, SC#1 PERMIT
Description: Failure to prevent the disconnection of a pressure indication instrument.

16 Date: 08/18/2006 (396831) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Flexible Permit No. 2167, SC #1. PERMIT
Description: The RE failed to prevent unauthorized emissions from a leaking pipe.

17 Date: 10/31/2006 (544277) CN601313083
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

18 Date: 08/31/2007 (601491) CN601313083
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

19 Date: 09/30/2007 (619398) CN601313083
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

20 Date: 02/29/2008 (689825) CN601313083
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

21 Date: 11/26/2008 (709085) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 06/30/2008 PERMIT
Description: Failure to present an affirmative defense for the unauthorized emissions associated with Incident #114224, which was caused by external corrosion on a dead leg pipe, resulting in butene / butane emissions from a pinhole leak.

22 Date: 11/30/2008 (727382) CN601313083
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

23 Date: 04/29/2009 (703271) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC 26 PA
STC 28 OP
Description: Failed to meet the 3-hour H2S limit at the fuel gas mixing pot 338D0408 on 24 instances from January 20 through June 17, 2008. FOP O-01372; NSR 2167
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THSC Chapter 382 382.085(b)
STC 1A OP
Description: Failed to meet the hourly CO concentration limit at the Fluid Catalytic Cracking Unit (FCCU) Wet Gas Scrubber (WGS) 732D0063 on 38 instances from July 2, 2007 through February 26, 2008. FOP O-01372; NSR 2167
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)
SC 32 PA
STC 28 OP
Description: Failed to meet the hourly CO concentration limit at the thermal oxidizer 440F2002 for 3 hours on October 31, 2007. FOP O-01372; NSR 2167
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC 37 PA
STC 1A OP
STC 28 OP
Description: Failed to meet the hourly SO2 concentration limit at the thermal oxidizer 435F1402 on 36 instances from August 6, 2007 through May 28, 2008. FOP O-01372; NSR 2167
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1 J (i) OP
Description: Failed to operate 3 heaters within the allowable HRVOC operating limits from July 1 through January 7, 2007 and again from January 7 through March 14, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1 J (i) OP
Description: Failed to take a sample at the Houston Street Flare 338K005 when the HRVOC analyzer was offline for approximately 24 hours from November 2 through November 3, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 115, SubChapter H 115.764(b)(6)
5C THSC Chapter 382 382.085(b)
Description: Failed to catch a sample when the HRVOC analyzer at cooling tower 736CT3701 was out-of-order for 24 hours from August 12 through August 13, 2007, and failed to complete and record lab analysis on sample caught when the HRVOC analyzer in cooling tower 736CT3701 was out-of-order for more than 24 hours from May 30 through June 2, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Moderate
Citation: 2167 SC 25B PA
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 115, SubChapter H 115.764(b)(6)
5C THSC Chapter 382 382.085(b)
Description: Failed to complete the semi-annual calibration required by TCEQ HRVOC Cooling Tower Guidance (Appendix P) on the strippable air rotameter, water rotameter, and temperature meter on the strippable VOC analyzer on cooling towers 732CT3701, 233CT3701, 343CT3701, 430CT3701, 430CT3791, 533CT3701, 536CT3701, 537CT3701, 635CT3701, 637CT3701, 732CT3701, 736CT3701, 737CT3701. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
30 TAC Chapter 115, SubChapter H 115.726(c)(4)
30 TAC Chapter 115, SubChapter H 115.766(a)(2)
5C THSC Chapter 382 382.085(b)
Description: Failed to keep some of the records required for calibration of HRVOC meters on some PSVs, cooling tower flow meters, and some flare purges from January 1 through June 30, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)
Description: Failed to meet the first attempt requirements for 4 connectors in HAP, VOC, and HRVOC service at 732-UNIT, 934-UNIT, and 940-UNIT; the leaking connectors were discovered on July 19, 2007 but did not receive first attempt until 6 days later on July 25, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THSC Chapter 382 382.085(b)
STC 1A OP
Description: Failed to meet the first attempt requirements for 1 leaking valve (Tag # 703911) in HAP service at the 933-UNIT; the leaking valve was discovered on July 26, 2007 but did not received first attempt as required due to an abnormality in the fugitive component database. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
5C THSC Chapter 382 382.085(b)
STC 1A OP
Description: Failed to meet the first attempt requirements for 1 leaking plug (Tag # 1483.1) in HAP service at the 137-UNIT; the leaking plug was discovered on December 31, 2007 and was monitored and repaired 12 days later. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)
5C THSC Chapter 382 382.085(b)
SC 15G PA
STC 1A OP
STC 28 OP
Description: Failed to monitor 1 pump (234P002B) in VOC and HRVOC service at the 234-UNIT service which had been taken out of service and removed from fugitive monitoring database on July 1, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)
5C THSC Chapter 382 382.085(b)
SC 15G PA
STC 1A OP
STC 28 OP
Description: Failed to monitor 1 pump (732P0037A) in VOC service at the 732-UNIT service which had been taken out of service and removed from fugitive monitoring database on July 1, 2007. FOP O-01372; NSR 2167

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)
 SC 18 PA
 SC 19A PA
 STC 28 OP
 Description: Failed to conduct NH3 and H2S AVO walkthroughs from October 15 through December 25, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(b)
 5C THSC Chapter 382 382.085(b)
 SC 14E PA
 SC 15E PA
 STC 1A OP
 STC 28 OP
 Description: Failed to cap open-ended lines. FOP-O-01372; NSR 2167

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(1)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Failed to meet the control requirements at atmospheric tank 613 at the 134-UNIT when the vapor pressure of storage material exceeded 11 psia from July 12 through August 16, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Failed to meet the control requirements for tank 137TK0803 when the roof vent was not repaired from March 24 through April 24, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Failed to maintain Benzene NESHAP strippers' bottoms temperature within the allowable limits for 3 hours on December 15, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Failed to conduct inspections on primary and secondary canisters at Lift Stations #6 (438TK0001) and #7 (137TK0006) from July 1 through December 31, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2
 5C THSC Chapter 382 382.085(b)
 STC 13B OP
 Description: Failed to document inspections required by NSPS QQQ when the required initial inspections required under NSPS QQQ were not completed within 60 days of putting 536-UNIT equipment in service on March 21, 2008. FOP O-1372; NSR 2167

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)
 SC 44B PA
 STC 28 OP
 Description: Failed to meet the pressure differential limits on the FCCU wet gas scrubber 732D0063 when the pressure drop across the scrubber dropped below the minimum limit of 0.91 psia from June 1, 2007 through December 31, 2007 and again from May 9, 2008 through June 12, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 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)
 SC 27 PA
 STC 28 OP
 STC 3A OP
 Description: Failed to meet the opacity limit of heaters 735F0007A, 735F0007B when the heater 735F007 smoked for more than 6 minutes from 14:20 to 14:55 on March 26, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1E OP
Description: Failed to revise Title V permit by June 15, 2007 to include 6 internal combustion engines to codify the applicable requirements of 40 CFR 63 Subpart ZZZZ (RICE MACT). FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.244(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 7F OP
Description: Failed to conduct the required monthly inspections at the tank 361TK0002 for May, June, and July 2007. HRO did not maintain the Stage II vapor recovery system in proper operating condition, as required. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Description: Failed to report all deviations when all deviations that occurred in the previous Title V reporting period were not reported as required. HRO reported that there were 3 deviations that should have been reported in the second half of 2007 Title V deviation report but due to a program error these events were left off of the deviation report and were subsequently reported in the deviation report for the first half of 2008. FOP O-1372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)
5C THSC Chapter 382 382.085(b)
STC 1A OP
Description: Failed to conduct NOx/CO engine testing as required on engines 035P1904 and 035P1905 from June 1 through September 20, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
STC 12F OP
Description: Failed to adjust SO2 analyzer on the thermal oxidizer 440F2002 from January 1, 2008 at 9:00 until January 2, 2008 at 13:30 when zero drift was exceeded 4 times the allowable limit. FOP O-01372; NSR 2167

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)
SC 43 PA
STC 28 OP
Description: Failed to test coke stockpile at the 737 Unit for moisture. A sample that was taken on June 23, 2008 was not sent for analysis. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 36 OP
Description: Failed to meet all Risk Management Plan (RMP) requirements from January 1 through June 30, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)
STC 12F OP
Description: Failed to use proper concentration of drift calibration gas for oxygen at thermal oxidizer 435F1402 from January 9 - March 6, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
5C THSC Chapter 382 382.085(b)
STC 18A OP
Description: Failed to complete the repair of 4 drains (930-BNS, 931-BNS, 932-BNS, and 940-BNS) identified during the quarterly inspections from April 1 through April 28, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 115, SubChapter H 115.764(b)(3)
5C THSC Chapter 382 382.085(b)
Description: Failed to operate the monitoring systems on cooling towers 233CT3701, 343CT3701, 634CT3701, 732CT3701, 736CT3701, and 737CT3701 95% of the time from June 1 to December 31, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
5C THSC Chapter 382 382.085(b)
Description: Failed to operate the monitoring systems on flare systems 338K0001, 338K0002, 338K0005, 338K0007, 338K0008, and, 736K0101A 95% of the time from June 1 to December 31, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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 63.168(b)
5C THSC Chapter 382 382.085(b)
NSR 2167 SC 15F PERMIT
STC 1A OP
STC 28 OP

Description: Failed to monitor 66 valves in VOC and HAP service at the 633-UNIT when it was discovered on February 6, 2008 that these components were not monitored. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
5C THSC Chapter 382 382.085(b)
NSR 2167 SC 15G PERMIT
STC 1A OP
STC 28 OP

Description: Failed to monitor 2 pumps in VOC and HAP service at the 633-UNIT when it was discovered on February 6, 2008 that these components were not monitored. FOP O-01372; NSR 2167

F. Environmental audits.

Notice of Intent Date: (574133)

No DOV Associated

Notice of Intent Date: (595042)

Disclosure Date: 02/13/2008

Viol. Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT 2167 SC 14E, 15E,

Description: Failure to provide seals for open ended lines that contain VOCs.

Disclosure Date: 04/03/2008

Viol. Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT 2167 SC 14E, 15E,

Description: Failure to provide seals for open ended lines that contain VOCs.

Notice of Intent Date: (598208)

No DOV Associated

Notice of Intent Date: (598166)

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
HOUSTON REFINING LP;
RN100218130**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2009-1158-AIR-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Jennifer Keane of the law firm of Baker Botts, L.L.P., appear before the Commission and together stipulate that:

1. Respondent owns and operates a petroleum refinery located at 12000 Lawndale Street, Houston, Harris County, Texas (the "Plant"). The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of ten thousand five hundred one dollars (\$10,501.00) is assessed by the Commission in settlement of the violations alleged in Section II.
6. 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.

7. The Executive Director of the TCEQ and Respondent agree on a settlement of the matters addressed in this enforcement action, subject to the approval of the Commission.
8. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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

1. During a record review conducted on June 12, 2009, a TCEQ Houston Regional Office investigator documented that Respondent violated:
 - a. 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3); TEX. HEALTH & SAFETY CODE § 382.085(b); and New Source Review Flexible Air Permit No. 2167/PSD-TX-985, Special Condition 1, by failing to comply with permitted emissions limits. Specifically, during an emissions event (Incident No. 124877) on May 29, 2009, operations personnel improperly shut down the Sulfur Recovery Unit's thermal oxidizer, causing the unauthorized release of 4,191.2 pounds ("lbs") of sulfur dioxide ("SO₂"), 48.3 lbs of carbon monoxide ("CO"), and 158.8 lbs of hydrogen sulfide ("H₂S") from the 435 Inline Heater ("Emissions Point Number ["EPN"] 435 Unit") and the 440 Inline Heater ("EPN 440 Unit") over a period of 5.2 hours. The TCEQ determined that these emissions could have been avoided by better operational practices; and
 - b. 30 TEX. ADMIN. CODE § 101.210(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to provide a complete emissions event report. Specifically, the final report of the emissions event (Incident No. 124877) that occurred on May 29, 2009, failed to include the authorization number governing the facilities involved in the event.
2. Respondent received notice of the violations on or about July 22, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 5 above. The assessment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. However, the agreement by Respondent to the assessment of an administrative penalty is expressly not in lieu of or an alternative to compliance with all injunctive requirements in this Agreed Order. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments, when paid, shall be made payable to "Texas Commission on Environmental Quality" and sent with the notation "Re: Houston Refining LP, Docket No. 2009-1158-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. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Design and implement procedures to prevent the recurrence of emissions events due to the same or similar causes as those of the May 29, 2009, emissions event (Incident No. 124877); and
 - ii. Implement procedures designed to ensure proper reporting of emissions events.
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. to:

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

and

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

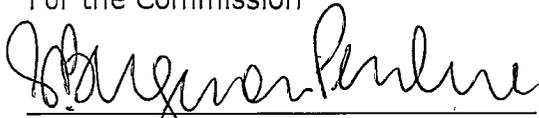
3. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Respondent fails to comply with any of the Ordering 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

9/15/2010

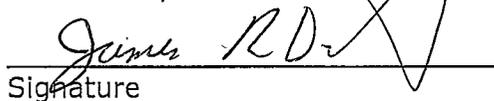
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this order may result in:

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

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



Signature

6/21/10

Date

James R. Danrel

Name (Printed or typed)
Authorized representative of
Houston Refining LP

Title

Operations Manager

Title