EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0641-AIR-E **TCEQ ID:** RN100218130 **CASE NO.:** 39552

RESPONDENT NAME: Houston Refining LP

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

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

TYPE OF OPERATION: Petroleum refinery

SMALL BUSINESS: ___ Yes _X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are three additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1158-AIR-E, 2010-0211-AIR-E, and 2010-1315-AIR-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 27, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Ms. Michelle Roberson, Health Safety Security & Environmental Manager, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252

Mr. Todd Monette, Refinery Manager, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** December 22, 2009 and February 12, 2010 **Date of NOV/NOE Relating to this Case:** April 15 and 16, 2010 (NOE) **Background Facts:** This was a routine investigation and a records review. **AIR** 1) Failed to prevent unauthorized emissions. Specifically, the Respondent released 22.9 pounds ("lbs") of 1-butene, 26.8 lbs of 1-pentene, 516 lbs of benzene, 3,280 lbs of butane, 70.7 lbs of carbon dioxide, 0.7 lb of carbon monoxide, 0.13 lbs of cis-butene-2, 1.01 lbs of ethylene, 5.86 lbs of hydrogen sulfide, 113 lbs of isobutane, 0.28 lb of isobutylene, 114 lbs of isopentane, 129 lbs of isoprene, 98.6 lbs of pentane, 1,340 lbs of propane, 0.94 lb of propylene, 0.23 lb of trans-2-butene, and 69,300 lbs of unspeciated volatile organic compounds ("VOCs") from the 536 Crude Unit during an emissions event that began on December 16, 2009 and lasted six hours and 18 minutes (Incident No. 133389). The event was the result of internal corrosion in the overhead line of the 536 Crude Tower. Since the Respondent failed to provide sufficient information to determine if this emissions event could have been avoided by better operational and maintenance practices, and the emissions event was inaccurately reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 2167, Special Condition No. 1].	**Total Assessed:** $20,499 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $0 On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code now pending in the U.S. Bankruptcy Court. ($20,499 due pending outcome of bankruptcy proceedings) **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** X Yes __ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** Human health or the environment has been exposed to pollutants which exceed levels that are protective.	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Implement measures designed to ensure the proper maintenance of the overhead line of the 536 Crude Tower; ii. Implement measures designed to ensure emissions events are properly reported; and iii. Implement measures to ensure proper maintenance and operation of isolation valves in the Liquid Propane Gas Plant. b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

2) Failed to identify the compound descriptive type of all compounds or mixtures of air contaminants released during Incident No. 133389 in the final record. Specifically, the Respondent failed to speciate 69,300 lbs of "unspeciated VOCs" listed in the final record [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions. Specifically, the Respondent released 488.3 lbs of propylene, 5.5 lbs of methane, 315.5 lbs of ethane, 5.9 lbs of ethylene, 2,523.5 lbs of propane, 112.7 lbs of butane, 7.6 lbs of isobutene, and 0.2 lb of butadiene from the 588 Tank at the Liquid Propane Gas Plant during an emissions event that began on January 28, 2010 and lasted four minutes (Incident No. 135138). The event was the result of an operator failing to close an isolation valve allowing liquid propane to enter the 588 Tank. The propane began to vaporize and caused the pressure safety valve to open. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit No. 2167, Special Condition No. 1].		

Additional ID No(s).: HG0048L

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	19-Apr-2010				
PCW	29-Apr-2010	Screening	22-Apr-2010	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.	39552	No. of Violations	3
Docket No.	2010-0641-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* — $12,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 399.0% Enhancement — *Subtotals 2, 3, & 7* — $50,274

Notes: Penalty enhancement due to nine NOVs with same or similar violations, 11 NOVs with dissimilar violations, seven 1660 Agreed Orders and eight Findings Orders. Penalty reduction due to four Notice of Audit letters submitted and two Disclosures of Violations.

Culpability — No — 0.0% Enhancement — *Subtotal 4* — $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* — $0

Economic Benefit — 0.0% Enhancement* — *Subtotal 6* — $0

Total EB Amounts	$570
Approx. Cost of Compliance	$9,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* — $62,874

OTHER FACTORS AS JUSTICE MAY REQUIRE — 0.0% — *Adjustment* — $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount — $62,874

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* — $20,499

DEFERRAL — 0.0% Reduction — *Adjustment* — $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY — $20,499

Screening Date 22-Apr-2010 **Docket No.** 2010-0641-AIR-E **PCW**

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 39552

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	9	45%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	7	140%
	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	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

		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) 399%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement due to nine NOVs with same or similar violations, 11 NOVs with dissimilar violations, seven 1660 Agreed Orders and eight Findings Orders. Penalty reduction due to four Notice of Audit letters submitted and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 399%

Screening Date 22-Apr-2010 **Docket No.** 2010-0641-AIR-E **PCW**

Respondent Houston Refining LP *Policy Revision 2 (September 2002)*

Case ID No. 39552 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.716(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 2167, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 22.9 pounds ("lbs") of 1-butene, 26.8 lbs of 1-pentene, 516 lbs of benzene, 3,280 lbs of butane, 70.7 lbs of carbon dioxide, 0.7 lb of carbon monoxide, 0.13 lbs of cis-butene-2, 1.01 lbs of ethylene, 5.86 lbs of hydrogen sulfide, 113 lbs of isobutane, 0.28 lb of isobutylene, 114 lbs of isopentane, 129 lbs of isoprene, 98.6 lbs of pentane, 1,340 lbs of propane, 0.94 lb of propylene, 0.23 lb of trans-2-butene and 69,300 lbs of unspeciated volatile organic compounds ("VOCs") from the 536 Crude Unit during an emissions event that began on December 16, 2009 and lasted six hours and 18 minutes (Incident No. 133389). The event was the result of internal corrosion in the overhead line of the 536 Crude Tower. Since the Respondent failed to provide sufficient information to determine if this emissions event could have been avoided by better operational and maintenance practices, and the emissions event was inaccurately reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes Human health or the environment has been exposed to a significant amount of pollutants that exceed levels protective of human health or environmental receptors. The Houston-Galveston-Brazoria County Non-Attainment Area has been exposed to 37.5 tons of VOCs. Air dispersion modeling showed exceedances of Effects Screening Levels for isohexanes, benzene, C9 and C10 aromatics, hexanes, toluene, xylenes, cycloheptane and nonenes.

Adjustment $0

$10,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $10,000

One daily event is recommended.

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 $10,000

Economic Benefit (EB) for this violation

Estimated EB Amount $311

Statutory Limit Test

Violation Final Penalty Total $49,900

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

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 39552
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)				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)	$5,000	16-Dec-2009	15-Mar-2011	1.24	$311	n/a	$311

Notes for DELAYED costs: Estimated expense to ensure the proper maintenance of the overhead line of the 536 Crude Tower. The Date Required is the date of the emissions event. The Final Date is the estimated date that corrective measures will 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: $311

Screening Date 22-Apr-2010 **Docket No.** 2010-0641-AIR-E **PCW**

Respondent Houston Refining LP *Policy Revision 2 (September 2002)*

Case ID No. 39552 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to identify the compound descriptive type of all compounds or mixtures of air contaminants released during Incident No. 133389 in the final record. Specifically, the Respondent failed to speciate 69,300 lbs of "unspeciated VOCs" listed in the final record.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes The Respondent has met at least 70% of the rule requirement.

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.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $100

Economic Benefit (EB) for this violation

Estimated EB Amount $91

Statutory Limit Test

Violation Final Penalty Total $499

This violation Final Assessed Penalty (adjusted for limits) $499

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 39552
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description: No commas or $	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$1,500	29-Dec-2009	16-Mar-2011	1.21	$91	n/a	$91
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 expense to implement measures designed to ensure emissions events are properly reported. The Date Required is the date the final record was submitted. The Final Date is the estimated date that corrective measures will 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: $1,500

TOTAL: $91

Screening Date 22-Apr-2010 **Docket No.** 2010-0641-AIR-E **PCW**

Respondent Houston Refining LP *Policy Revision 2 (September 2002)*

Case ID No. 39552 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit No. 2167, Special Condition No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 488.3 lbs of propylene, 5.5 lbs of methane, 315.5 lbs of ethane, 5.9 lbs of ethylene, 2,523.5 lbs of propane, 112.7 lbs of butane, 7.6 lbs of isobutene and 0.2 lb of butadiene from the 588 Tank at the Liquid Propane Gas Plant during an emissions event that began on January 28, 2010 and lasted four minutes (Incident No. 135138). The event was the result of an operator failing to close an isolation valve allowing liquid propane to enter the 588 Tank. The propane began to vaporize and caused the pressure safety valve to open. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed 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

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $169

Statutory Limit Test

Violation Final Penalty Total $12,475

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

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 39552
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$3,000	28-Jan-2010	15-Mar-2011	1.13	$169	n/a	$169
Notes for DELAYED costs	Estimated expense to ensure proper operation of isolation valves in the Liquid Propane Gas Plant. The Date Required is the date of the emissions event. The Final Date is the estimated date that corrective measures will 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 $3,000

TOTAL $169

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601313083	Houston Refining LP	Classification: AVERAGE	Rating: 13.60
Regulated Entity:	RN100218130	HOUSTON REFINING	Classification: AVERAGE	Site Rating: 13.60

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0048L
	AIR OPERATING PERMITS	PERMIT	1372
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	78219
	AIR NEW SOURCE PERMITS	REGISTRATION	92373
	AIR NEW SOURCE PERMITS	PERMIT	2167
	AIR NEW SOURCE PERMITS	PERMIT	31955
	AIR NEW SOURCE PERMITS	PERMIT	38735
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0048L
	AIR NEW SOURCE PERMITS	REGISTRATION	55719
	AIR NEW SOURCE PERMITS	AFS NUM	4820100040
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX985
	AIR NEW SOURCE PERMITS	REGISTRATION	43445
	AIR NEW SOURCE PERMITS	REGISTRATION	46595
	AIR NEW SOURCE PERMITS	REGISTRATION	86815
	AIR NEW SOURCE PERMITS	REGISTRATION	87937
	WASTEWATER	PERMIT	WQ0000392000
	WASTEWATER	PERMIT	TPDES0003247
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011570
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688979
	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
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0048L

Location: 12000 LAWNDALE ST, HOUSTON, TX, 77017

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 29, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 29, 2005 to April 29, 2010

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

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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: 9/1/2009 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.

Findings-1 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.

1660-1 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.

1660-2 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.

1660-3 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
Flexible Permit #2167, SC#26 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.

Findings-2 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.

Findings-3 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.

Findings-4 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.

Findings-5 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") during

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 event that began March 5, 2007

Findings-6 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 Recomvery 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 and 45 minutes.

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.

Findings-7 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)

Findings-8 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 unuathorized emissions.

1660-4 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.

1660-5 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, SubPT 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, SubPT 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 continous 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 Tolulene 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, Houston Refining failed to meet the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

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.

1660-6 Effective Date: 10/31/2009 ADMINORDER 2008-0790-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to install, operate, and maintain a fixed roof and closed vent system to route organic vapor from the solids collection hoppers used in the material recovery and recycling operations operated by a contractor at the refinery.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)
5C THSC Chapter 382 382.085(b)

Description: Failed to keep records for the material recovery and recycling operations in accordance with 40 CFR Part 61 Subpart FF. Specifically, Houston Refining failed to identify waste streams subject to this subpart, failed to maintain engineering design documentation for control equipment, failed to keep records for the operation of the carbon absorption system including analysis, vent stream composition and flow rate as required by 40 CFR § 61.356(f)(2)(i)(G) and failed to keep records for visual ins

1660-7 Effective Date: 12/18/2009 ADMINORDER 2009-0181-AIR-E

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

Description: Failed to notify the TCEQ of a reportable emissions event within 24 hours of discovery (Incident No. 115083). Specifically, the event was discovered at 1:00 a.m. on October 4, 2008, but was not reported until 5:30 p.m. on October 6, 2008.

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

Rqmt Prov: Special Condition 1 PA

Description: Failed to prevent unauthorized emissions during Incident No. 115083. Specifically, 28,043 lbs of unauthorized sulfur dioxide emissions were released from the Tail Gas Incinerator for 42 hours beginning on October 4, 2008 due to failure of a flow transmitter. Since the Respondent has not demonstrateed that the equipment failure was beyond their control, and the event was reported late, 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 during Incident No. 117127. Specifically, unuauthorized emissions of 33,908 lbs of SO2 and 11,158 lbs of volatile organic compounds were released from the Coke Fractionator and Coker Flare for 48 hours beginning on November 26, 2008 due to unstable operating conditions that resulted in a shutdown of the gas compressor. Since the Respondent has not demonstrated that the shutdown was beyond their control and could not have been foreseen and avoided, the d

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	05/02/2005	(372107)
2	05/03/2005	(376226)
3	05/20/2005	(381195)
4	05/24/2005	(419494)
5	05/25/2005	(379525)
6	05/26/2005	(337173)
7	05/26/2005	(349881)
8	06/07/2005	(395018)
9	06/20/2005	(419495)
10	06/21/2005	(379593)
11	07/07/2005	(379524)
12	07/22/2005	(400281)
13	07/25/2005	(419496)
14	08/15/2005	(404916)
15	08/18/2005	(404331)
16	08/18/2005	(404363)
17	08/24/2005	(405556)
18	08/24/2005	(405604)
19	08/24/2005	(440650)
20	08/25/2005	(404773)
21	09/19/2005	(440651)
22	10/10/2005	(431795)
23	10/10/2005	(468144)
24	10/28/2005	(432450)
25	10/31/2005	(432333)
26	11/07/2005	(468145)
27	11/23/2005	(435308)
28	12/02/2005	(431511)
29	12/28/2005	(434541)
30	01/19/2006	(468146)
31	02/01/2006	(468142)
32	02/25/2006	(456998)
33	02/25/2006	(457004)
34	02/25/2006	(457020)
35	02/28/2006	(457235)
36	03/17/2006	(468143)
37	04/10/2006	(498011)
38	04/20/2006	(437368)
39	04/27/2006	(439800)
40	05/10/2006	(498012)
41	05/31/2006	(480494)
42	05/31/2006	(480500)
43	05/31/2006	(480503)
44	05/31/2006	(480504)
45	05/31/2006	(480506)
46	06/14/2006	(479843)
47	06/15/2006	(461559)
48	06/15/2006	(481316)
49	06/15/2006	(498013)
50	06/29/2006	(458901)
51	06/30/2006	(469140)
52	07/17/2006	(485790)
53	07/26/2006	(520029)
54	07/28/2006	(463199)
55	08/08/2006	(489220)

56	08/11/2006	(520030)
57	08/18/2006	(396831)
58	09/11/2006	(489202)
59	09/11/2006	(574927)
60	10/06/2006	(489212)
61	10/12/2006	(544276)
62	10/30/2006	(511654)
63	11/21/2006	(544277)
64	12/11/2006	(574928)
65	01/08/2007	(574929)
66	01/09/2007	(532009)
67	01/25/2007	(512685)
68	02/02/2007	(435323)
69	02/02/2007	(511662)
70	02/05/2007	(536476)
71	02/08/2007	(512678)
72	02/16/2007	(574922)
73	02/22/2007	(510814)
74	02/23/2007	(511980)
75	03/16/2007	(574923)
76	03/21/2007	(539188)
77	03/21/2007	(539192)
78	03/21/2007	(539194)
79	04/04/2007	(554793)
80	04/04/2007	(554809)
81	04/13/2007	(574924)
82	04/20/2007	(556941)
83	04/24/2007	(557537)
84	04/30/2007	(554360)
85	05/04/2007	(556720)
86	05/09/2007	(554980)
87	05/15/2007	(574925)
88	05/29/2007	(559572)
89	06/14/2007	(574926)
90	07/03/2007	(563761)
91	07/12/2007	(619397)
92	07/20/2007	(561274)
93	07/25/2007	(566621)
94	08/13/2007	(601490)
95	08/17/2007	(570286)
96	08/23/2007	(570387)
97	08/28/2007	(570635)
98	09/07/2007	(573978)
99	09/14/2007	(601491)
100	09/27/2007	(595742)
101	10/08/2007	(619398)
102	10/10/2007	(594976)
103	10/17/2007	(567541)
104	10/18/2007	(566919)
105	10/19/2007	(598478)
106	10/25/2007	(596179)
107	11/06/2007	(619399)
108	11/09/2007	(599574)
109	12/04/2007	(600555)
110	12/10/2007	(619400)
111	12/21/2007	(610028)
112	01/15/2008	(612806)
113	01/15/2008	(671905)
114	01/18/2008	(609373)

115	01/25/2008	(613320)
116	01/28/2008	(616032)
117	01/29/2008	(611265)
118	02/11/2008	(671904)
119	03/03/2008	(616148)
120	03/24/2008	(689825)
121	04/07/2008	(617770)
122	04/08/2008	(595524)
123	04/14/2008	(689826)
124	04/22/2008	(639660)
125	04/22/2008	(640670)
126	05/15/2008	(689827)
127	05/30/2008	(670616)
128	06/23/2008	(710583)
129	07/11/2008	(710584)
130	08/14/2008	(710585)
131	08/18/2008	(699930)
132	08/22/2008	(688646)
133	08/27/2008	(687046)
134	08/27/2008	(687290)
135	09/09/2008	(701172)
136	09/23/2008	(710586)
137	10/08/2008	(702275)
138	10/23/2008	(710587)
139	10/29/2008	(686547)
140	11/17/2008	(727381)
141	11/26/2008	(709085)
142	12/08/2008	(709767)
143	12/15/2008	(721107)
144	12/18/2008	(727382)
145	01/12/2009	(750119)
146	02/04/2009	(709615)
147	02/04/2009	(721393)
148	02/18/2009	(750118)
149	03/16/2009	(738275)
150	03/17/2009	(768258)
151	03/25/2009	(737507)
152	03/25/2009	(737734)
153	04/13/2009	(768259)
154	04/28/2009	(703271)
155	05/12/2009	(741579)
156	05/14/2009	(743937)
157	05/21/2009	(705709)
158	05/21/2009	(768260)
159	06/23/2009	(744719)
160	07/02/2009	(760296)
161	07/10/2009	(748269)
162	07/17/2009	(760007)
163	07/30/2009	(763485)
164	08/11/2009	(741080)
165	08/14/2009	(764397)
166	09/02/2009	(741085)
167	10/23/2009	(760856)
168	11/23/2009	(767400)
169	12/22/2009	(782878)
170	01/06/2010	(786299)
171	01/22/2010	(785022)
172	02/01/2010	(785277)
173	02/08/2010	(432406)

174 02/22/2010 (791381)
175 02/25/2010 (792286)
176 03/17/2010 (785822)
177 04/15/2010 (786517)
178 04/16/2010 (794008)
179 04/27/2010 (800225)

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

NSS-1 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.

SS-1 Date: 05/26/2005 (379525)
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.

NSS-2 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.

NSS-3 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

SS-2 Date: 06/13/2006 (479843)
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.

NSS-4 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

NSS-5 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

SS-3 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

SS-4 Date: 08/09/2006 (489220)

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.

SS-5 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.

NSS-6 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

NSS-7 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

NSS-8 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

NSS-9 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

SS-6 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.

NSS-10 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

SS-7 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, 208 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 through 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

NSS-11 Date: 04/30/2009 (768260) 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

SS-8 Date: 11/23/2009 (767400) CN601313083

Self Report? NO Classification: Minor

Citation:
2167, SC 14E PERMIT
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 THSC Chapter 382 382.085(b)
O-01372, SC 28 OP

Description: Failure to plug/cap all open ended lines in VOC and HRVOC services (C10).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(h)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii)
5C THSC Chapter 382 382.085(b)
O-01372 OP

Description: Failure to complete visual inspection of the primary seals, slotted membranes, and sleeve seals of storage tanks.

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 63.169(c)(2)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to complete first repair attempt on a leaking plug in xylene service within five days.

Self Report? NO Classification: Minor

Citation:
2167, SC 25B PERMIT
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
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)
O-01372, SC 28 OP

Description: Failure to complete semiannual calibration on the strippable VOC analyzers for cooling towers.

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)
O-01372, SC 1A OP

Description: Failure to use proper concentration of drift calibration gas.

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)
O-01372, SC 1A OP

Description: Failure to adjust analyzer within 24-hour when zero drift exceeded the limits.
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(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(3)
5C THSC Chapter 382 382.085(b)
O-01372, SC 13B OP

Description: Failure to complete and document the required initial regulatory individual sewer hub inspection within 30-days.
Self Report? NO Classification: Minor
Citation: 2167, SC 15F PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)(8)
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 60.482-7(a)(1)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP

Description: Failure to monitor valves and pumps in HRVOC and VOC service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to operate a heater at the minimum hourly oxygen operating limit established during the emissions test.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to complete and record a lab analysis on a sample caught when the HRVOC analyzer was out of order.
Self Report? NO Classification: Moderate
Citation: 2167, SC 44B PERMIT
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)
O-01372, SC 28 OP

Description: Failure to meet dP (delta pressure or pressure drop) limit.
Self Report? NO Classification: Minor
Citation: 2167, SC 27 PERMIT
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)
O-01372, SC 28 OP

Description: Failure to comply with the permitted opacity limit.
Self Report? NO Classification: Minor
Citation: 2167, SC 43 PERMIT
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)
O-01372, SC 28 OP

Description: Failure to test a coke stockpile for moisture.
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)
O-01372, SC 1A OP

Description: Failure to repair drains in benzene service within 15 days.
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 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to maintain calibration records on HRVOC meters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01327, GC OP

Description: Failure to report all deviations.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iv)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to perform seal gap measurements of the primary and secondary seals within 90 days of refilling.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to analyze samples taken while flares in HRVOC service were down.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(d)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to meet NSPS, Subpart J requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to operate HRVOC analyzer while the flare was still in service.

SS-9 Date: 02/25/2010 (792286) 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 OP

Description: Failure to prevent unauthorized emissions. Specifically, Houston Refining failed to properly manage a high level of hydrocarbons in the sour water system feed resulting in unauthorized H2S emissions from the 435 & 440 thermal oxidizer.

F. Environmental audits.

NOI-1 Notice of Intent Date: 08/15/2007 (574133)

No DOV Associated

NOI-2 Notice of Intent Date: 09/05/2007 (595042)
DOV-1 Disclosure Date: 02/13/2008
Viol. Classification: Major
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: Major
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.

NOI-3 Notice of Intent Date: 10/04/2007 (598208)

No DOV Associated

NOI-4 Notice of Intent Date: 09/10/2008 (598166)
DOV-2 Disclosure Date: 06/11/2009
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)
Description: Failure to monitor 547 difficult to monitor connectors in HRVOC service annually.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
HOUSTON REFINING LP	§	
RN100218130	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-0641-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refinery at 12000 Lawndale Street in Houston, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an investigation conducted on December 22, 2009, TCEQ staff documented that the Respondent:

   a. Released 22.9 pounds ("lbs") of 1-butene, 26.8 lbs of 1-pentene, 516 lbs of benzene, 3,280 lbs of butane, 70.7 lbs of carbon dioxide, 0.7 lb of carbon monoxide, 0.13 lbs of cis-butene-2, 1.01 lbs of ethylene, 5.86 lbs of hydrogen sulfide, 113 lbs of isobutane, 0.28 lb of isobutylene, 114 lbs of isopentane, 129 lbs of isoprene, 98.6 lbs of pentane, 1,340 lbs of propane, 0.94 lb of propylene, 0.23 lb of trans-2-butene and 69,300 lbs of unspeciated volatile organic compounds ("VOCs") from the 536 Crude Unit during an emissions event that began on December 16, 2009 and lasted six hours and 18 minutes (Incident No. 133389). The event was the result of internal corrosion in the overhead line of the 536 Crude Tower; and

   b. Failed to identify the compound descriptive type of all compounds or mixtures of air contaminants released during Incident No. 133389 in the final record. Specifically, the Respondent failed to speciate 69,300 lbs of "unspeciated VOCs" listed in the final record.

4. During a record review conducted on February 12, 2010, TCEQ staff documented that the Respondent released 488.3 lbs of propylene, 5.5 lbs of methane, 315.5 lbs of ethane, 5.9 lbs of ethylene, 2,523.5 lbs of propane, 112.7 lbs of butane, 7.6 lbs of isobutene and 0.2 lb of butadiene from the 588 Tank at the Liquid Propane Gas Plant during an emissions event that began on January 28, 2010 and lasted four minutes (Incident No. 135138). The event was the result of an operator failing to close an isolation valve allowing liquid propane to enter the 588 Tank. The propane began to vaporize and caused the pressure safety valve to open.

5. The Respondent received notices of the violations on April 20 and 21, 2010.

6. On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code now pending in the U.S. Bankruptcy Court for the Southern District of New York. Debtor remains as a debtor in possession and no trustee or examiner has been appointed.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit No. 2167, Special Condition No. 1. Since the Respondent failed to provide sufficient information to determine if this emissions event could have been avoided by better operational and maintenance practices, and the emissions event was inaccurately reported,

the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. As evidenced by Findings of Fact No. 3.b., the Respondent failed to identify the compound descriptive type of all compounds or mixtures of air contaminants released during Incident No. 133389 in the final record, in violation of 30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b) and Flexible Permit No. 2167, Special Condition No. 1. Since this emissions event could have been avoided by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

5. As evidenced by Findings of Fact No. 6, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code. The Automatic Stay imposed by the Bankruptcy Code (specifically, 11 USC § 362(a)) does not apply to the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power, by virtue of the exception set out at 11 USC § 362(b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 USC § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations. These violations having been incurred post-petition are entitled to be treated as an administrative expense priority for purposes of the claims hierarchy of payment from the bankruptcy estate. So long as the Debtor's bankruptcy proceedings are pending and/or until relief from the automatic stay is granted, the TCEQ will, however, not seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where the Debtor's bankruptcy case is pending as necessary, after consultation with the Office of the Attorney General.

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of Twenty Thousand Four Hundred Ninety-Nine Dollars ($20,499) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty Thousand Four Hundred Ninety-Nine Dollars ($20,499) as set forth in Section II, Paragraph 7 above, for

violations of TCEQ rules and state statutes. The assessment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the agreement by the Respondent to the assessment of a 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 requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments when paid shall be made payable to "TCEQ" and sent with the notation "Re: Houston Refining LP, Docket No. 2010-0641-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

i. Implement measures designed to ensure the proper maintenance of the overhead line of the 536 Crude Tower;

ii. Implement measures designed to ensure emissions events are properly reported; and

iii. Implement measures to ensure proper maintenance and operation of isolation valves in the Liquid Propane Gas Plant.

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted

by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadlier
For the Executive Director

9/13/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Houston Refining LP. I am authorized to agree to the attached Agreed Order on behalf of Houston Refining LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ is materially relying on such representation.

I understand that by entering into this Agreed Order, Houston Refining LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order 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;
- 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.

Todd Monette
Signature

7/22/10
Date

Todd Monette
Name (Printed or typed)
Authorized Representative of
Houston Refining LP

Refinery Manager
Title

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