

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-0952-AIR-E **TCEQ ID:** RN100210608 **CASE NO.:** 39852
RESPONDENT NAME: Marathon Petroleum Company LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Marathon Petroleum - Texas City Refinery, 502 10th Street South, Texas City, Galveston County</p> <p>TYPE OF OPERATION: Chemical refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 18, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Harold Scott, Environmental Coordinator, Marathon Petroleum Company LLC, 502 10th Street South, Texas City, Texas 77590 Ms. Constance Bradley, Division Manager, Marathon Petroleum Company LLC, 502 10th Street South, Texas City, Texas 77590 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 8, 2010</p> <p>Date of NOV/NOE Relating to this Case: May 24, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 136237) that began on February 22, 2010, the Respondent failed to prevent a heat exchanger plug from leaking, causing the unauthorized release of 536.6 pounds ("lbs") of the highly reactive volatile organic compound propylene, 426.3 lbs of other volatile organic compounds, 149.4 lbs of sulfur dioxide, 1.6 lbs of hydrogen sulfide, 591.0 lbs of carbon monoxide, and 81.8 lbs of nitrous oxides from the Main Plant Flare and Propylene Unit over a 23 hour and 35 minute period. Since these emissions could have been avoided by better maintenance practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b) [30 TEX. ADMIN. CODE § 116.715(a), New Source Review Permit No. 22433 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$7,300</p> <p>Total Deferred: \$1,460 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,840</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on September 14, 2010, the Respondent began construction to install a depressurization line from the Propylene Unit to the Gas Con Unit in order to prevent a recurrence of emissions events due to the same causes that occurred from the Main Plant Flare and Propylene Unit on February 22, 2010 (Incident No 136237).</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order, complete the installation of the depressurization line from the Propylene Unit to the Gas Con Unit in order to prevent the recurrence of emissions events due to the same causes that occurred from the Main Plant Flare and Propylene Unit on February 22, 2010 (Incident No 136237); and</p> <p>b. Within 195 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.</p>

Additional ID No(s): GBoo55R



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	1-Jun-2010	Screening	8-Jun-2010	EPA Due	
	PCW	30-Jun-2010				

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

CASE INFORMATION			
Enf./Case ID No.	39852	No. of Violations	1
Docket No.	2010-0952-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$37
Approx. Cost of Compliance	\$750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 8-Jun-2010

Docket No. 2010-0952-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 39852

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator James Nolan

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)	13	65%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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	1	25%
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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Penalty adjustment due to 13 similar NOVs, 12 dissimilar NOVs, three 1660-style agreed orders, one findings order, one EPA agreed order with denial of liability, and two NOIs.

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

Screening Date 8-Jun-2010

Docket No. 2010-0952-AIR-E

PCW

Respondent Marathon Petroleum Company LLC

Policy Revision 2 (September 2002)

Case ID No. 39852

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), New Source Review Permit No. 22433 Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 136237) that began on February 22, 2010, the Respondent failed to prevent a heat exchanger plug from leaking, causing the unauthorized release of 536.6 pounds ("lbs") of the highly reactive volatile organic compound propylene, 426.3 lbs of other volatile organic compounds, 148.4 lbs of sulfur dioxide, 1.8 lbs of hydrogen sulfide, 591.0 lbs of carbon monoxide, and 81.8 lbs of nitrous oxides from the Main Plant Flare and Propylene Unit over a 23 hour and 35 minute period. Since these emissions could have been avoided by better maintenance practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$7,300

This violation Final Assessed Penalty (adjusted for limits) \$7,300

Economic Benefit Worksheet

Respondent Marathon Petroleum Company LLC
Case ID No. 39852
Reg. Ent. Reference No. RN100210608
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)	\$750	22-Feb-2010	18-Feb-2011	0.99	\$37	n/a	\$37

Notes for DELAYED costs

Estimated costs to improve operational practices and conduct training for employees in order to prevent a recurrence of similar emissions events. The date required is the date of the emissions event, and the final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$37

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600244933 Marathon Petroleum Company LLC	Classification: AVERAGE	Rating: 2.73
Regulated Entity:	RN100210608 MARATHON PETROLEUM - TEXAS CITY REFINERY	Classification: AVERAGE	Site Rating: 4.01

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0055R
	AIR OPERATING PERMITS	PERMIT	1380
	WASTEWATER	PERMIT	WQ0000990000
	WASTEWATER	EPA ID	TX0003697
	WASTEWATER	PERMIT	TX0003697
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008079501
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30326
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50046
	AIR NEW SOURCE PERMITS	REGISTRATION	91625
	AIR NEW SOURCE PERMITS	REGISTRATION	91759
	AIR NEW SOURCE PERMITS	REGISTRATION	92191
	AIR NEW SOURCE PERMITS	REGISTRATION	91954
	AIR NEW SOURCE PERMITS	REGISTRATION	71874
	AIR NEW SOURCE PERMITS	PERMIT	856
	AIR NEW SOURCE PERMITS	PERMIT	1131
	AIR NEW SOURCE PERMITS	PERMIT	1590
	AIR NEW SOURCE PERMITS	PERMIT	8025
	AIR NEW SOURCE PERMITS	PERMIT	22433
	AIR NEW SOURCE PERMITS	REGISTRATION	23992
	AIR NEW SOURCE PERMITS	REGISTRATION	25362
	AIR NEW SOURCE PERMITS	REGISTRATION	24859
	AIR NEW SOURCE PERMITS	REGISTRATION	25194
	AIR NEW SOURCE PERMITS	REGISTRATION	29218
	AIR NEW SOURCE PERMITS	REGISTRATION	30994
	AIR NEW SOURCE PERMITS	REGISTRATION	30167
	AIR NEW SOURCE PERMITS	REGISTRATION	33178
	AIR NEW SOURCE PERMITS	REGISTRATION	37749
	AIR NEW SOURCE PERMITS	REGISTRATION	40024
	AIR NEW SOURCE PERMITS	REGISTRATION	40196
	AIR NEW SOURCE PERMITS	REGISTRATION	43341
	AIR NEW SOURCE PERMITS	PERMIT	43716
	AIR NEW SOURCE PERMITS	REGISTRATION	44852
	AIR NEW SOURCE PERMITS	REGISTRATION	45826
	AIR NEW SOURCE PERMITS	REGISTRATION	46198
	AIR NEW SOURCE PERMITS	REGISTRATION	46373
	AIR NEW SOURCE PERMITS	REGISTRATION	46661
	AIR NEW SOURCE PERMITS	REGISTRATION	47099
	AIR NEW SOURCE PERMITS	REGISTRATION	47365
	AIR NEW SOURCE PERMITS	REGISTRATION	48473
	AIR NEW SOURCE PERMITS	REGISTRATION	49937
	AIR NEW SOURCE PERMITS	REGISTRATION	49938
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0055R
	AIR NEW SOURCE PERMITS	REGISTRATION	53769
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX241M1
	AIR NEW SOURCE PERMITS	REGISTRATION	55858
	AIR NEW SOURCE PERMITS	REGISTRATION	75450
	AIR NEW SOURCE PERMITS	REGISTRATION	75398
	AIR NEW SOURCE PERMITS	AFS NUM	4818700005
	AIR NEW SOURCE PERMITS	REGISTRATION	71646
	AIR NEW SOURCE PERMITS	REGISTRATION	55772
	AIR NEW SOURCE PERMITS	REGISTRATION	71657
	AIR NEW SOURCE PERMITS	REGISTRATION	71726
	AIR NEW SOURCE PERMITS	REGISTRATION	72692
	AIR NEW SOURCE PERMITS	REGISTRATION	73969
	AIR NEW SOURCE PERMITS	REGISTRATION	73796
	AIR NEW SOURCE PERMITS	REGISTRATION	74728
	AIR NEW SOURCE PERMITS	REGISTRATION	75175
	AIR NEW SOURCE PERMITS	REGISTRATION	74818
	AIR NEW SOURCE PERMITS	REGISTRATION	74945
	AIR NEW SOURCE PERMITS	REGISTRATION	76492
	AIR NEW SOURCE PERMITS	REGISTRATION	76493
	AIR NEW SOURCE PERMITS	REGISTRATION	76534
	AIR NEW SOURCE PERMITS	REGISTRATION	76488
	AIR NEW SOURCE PERMITS	REGISTRATION	76490
	AIR NEW SOURCE PERMITS	REGISTRATION	77226
	AIR NEW SOURCE PERMITS	REGISTRATION	77621

AIR NEW SOURCE PERMITS	REGISTRATION	77649
AIR NEW SOURCE PERMITS	REGISTRATION	77262
AIR NEW SOURCE PERMITS	REGISTRATION	78505
AIR NEW SOURCE PERMITS	REGISTRATION	78497
AIR NEW SOURCE PERMITS	REGISTRATION	79106
AIR NEW SOURCE PERMITS	REGISTRATION	80401
AIR NEW SOURCE PERMITS	REGISTRATION	79948
AIR NEW SOURCE PERMITS	REGISTRATION	80523
AIR NEW SOURCE PERMITS	REGISTRATION	80298
AIR NEW SOURCE PERMITS	REGISTRATION	80319
AIR NEW SOURCE PERMITS	REGISTRATION	81019
AIR NEW SOURCE PERMITS	REGISTRATION	80562
AIR NEW SOURCE PERMITS	REGISTRATION	80565
AIR NEW SOURCE PERMITS	REGISTRATION	81479
AIR NEW SOURCE PERMITS	REGISTRATION	81483
AIR NEW SOURCE PERMITS	REGISTRATION	83710
AIR NEW SOURCE PERMITS	REGISTRATION	85989
AIR NEW SOURCE PERMITS	REGISTRATION	87600
AIR NEW SOURCE PERMITS	REGISTRATION	88752
AIR NEW SOURCE PERMITS	REGISTRATION	88629
AIR NEW SOURCE PERMITS	REGISTRATION	88624
AIR NEW SOURCE PERMITS	REGISTRATION	91521
AIR NEW SOURCE PERMITS	REGISTRATION	91389
AIR NEW SOURCE PERMITS	REGISTRATION	86588
AIR NEW SOURCE PERMITS	REGISTRATION	87263
AIR NEW SOURCE PERMITS	REGISTRATION	84550
AIR NEW SOURCE PERMITS	REGISTRATION	86897
AIR NEW SOURCE PERMITS	REGISTRATION	85118
AIR NEW SOURCE PERMITS	REGISTRATION	84800
AIR NEW SOURCE PERMITS	REGISTRATION	82870
AIR NEW SOURCE PERMITS	REGISTRATION	83708
AIR NEW SOURCE PERMITS	REGISTRATION	86008
AIR NEW SOURCE PERMITS	REGISTRATION	86901
AIR NEW SOURCE PERMITS	REGISTRATION	85110
AIR NEW SOURCE PERMITS	REGISTRATION	87169
AIR NEW SOURCE PERMITS	REGISTRATION	87849
AIR NEW SOURCE PERMITS	REGISTRATION	91523
AIR NEW SOURCE PERMITS	REGISTRATION	92501
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30326
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0055R

Location: 502 10TH ST S, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 08, 2005 to June 08, 2010

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

Name: James Nolan Phone: {512} 239-8634

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.
- Effective Date: 11/06/2005 ADMINORDER 2005-0169-AIR-E
 - Classification: Major
 - Citation: 30 TAC Chapter 101, SubChapter F 101.222
30 TAC Chapter 116, SubChapter G 116.715(a)
 - 5C THC Chapter 382, SubChapter A 382.085(b)
 - Rqmt Prov: No. 22433 Special Condition #1, PERMIT

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

Effective Date: 03/23/2006 ADMINORDER 2005-1492-AIR-E

Classification: Moderate

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

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

Effective Date: 11/09/2007 ADMINORDER 2007-0392-AIR-E

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Classification: Moderate

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

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

Classification: Minor

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

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

Effective Date: 01/28/2010 ADMINORDER 2008-1709-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.462-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 22433 Special Condition 10(E) PERMIT
O-01380 Special Terms and Conditions 1A OP

O-01380 Special Terms and Conditions 21 OP

Description: Failure to seal open-ended lines with a cap, plug, blind flange, or a second valve.

Specifically according to the operator's repair log, a drain valve, Tag No. 20058, in the UDEX Unit and a valve, Tag No. 090560, in the Platformer Unit were missing plugs on February 18, 2008 and March 28, 2008, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 Special Terms and Conditions 1A OP

Description: Failed to repair or empty and degass external floating roof tank No. 111 (containing gasoline) within 60 days of the discovery of pinhole leaks on the roof deck. The Respondent first discovered the roof corrosion during a tank inspection on December 20, 2006 and again on December 29, 2006. Also, on June 12 and December 5, 2007, the Respondent found product on the roof of the tank.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.546(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 S.T. and C. 8(A)(vi) OP

Description: Failed to maintain records of monitoring for carbon canister breakthrough during tank degassing in 2007 for tank Nos. 5 (containing pure benzene), 127 (regular gasoline), 152 (gasoline), and 516 (crude oil).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 Special Terms and Conditions 1A OP

Description: Failed to maintain vacuum breakers (automatic bleeder vents) on internal floating roof tank No. 164 (containing heavy naphtha) in a closed position during normal operation. Specifically, the vacuum breakers were noted as being stuck in the open position during the Respondent's tank inspection on December 27, 2006. The vacuum breakers were determined to be of poor design which prevented re-seating; however, they were not repaired until March 7, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 Special Terms and Conditions 1A OP

Description: Failed to repair the tank floating roof primary seal, empty the tank, or request an extension for seal repair within 45 days of determining that the seal needed replacement on external floating roof tank No. 518 (containing crude oil). The Respondent was required to repair the seal, empty the tank, or request an extension by November 11, 2007. The primary seal was not replaced until February 25, 2008.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Terms and Conditions 21 OP

Description: Failed to maintain records to demonstrate compliance with the emission limits in 30 TEX. ADMIN. CODE §§ 106.263, and 106.4(a)(1)-(3). Specifically, ten planned maintenance, startup, and shutdown tank landing events occurred between January 5, 2007 and February 18, 2008. Records containing sufficient information to demonstrate compliance were not available when requested during the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to maintain records of design analysis for carbon canisters.

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 A 61.12(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 12(E) OP

Description: Failed to maintain and operate Lift Station 26 carbon canisters in a manner consistent with good air pollution control practice for minimizing emissions. Specifically, monitoring records from January 2008 through May 2008 indicated benzene concentrations ranging from 100 up to 1,000 parts per million ("ppm") from the lead canisters and up to 999 ppm from the lag canisters.

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: O-01380, Special Conditions 1(A) OP

Description: Failed to properly conduct monitoring of carbon canisters. Specifically, the Respondent failed to monitor the following on weekends and holidays: Lift Station 26 from January 1 through June 16, 2008 and the Wastewater Treatment NTO from May 3 through June 16, 2008. Also, per the Respondent's 40 CFR Part 61, Subpart FF third quarter report dated October 30, 2007, the monitoring technician was incorrectly monitoring the carbon canisters at Lift Station 26 from August 30 through October 24, 2007.

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(b)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to monitor waste streams entering the Enhanced Biodegradation Unit (EBU) monthly as required. Specifically, the DNF effluent overflow from the DNF Effluent Tank periodically enters the EBU; however, the benzene concentration of this waste stream has not been monitored to demonstrate that the benzene concentration is less than 10 ppmw on a flow-weighted annual average basis. Also, during the month of September 2007, the concentration of the combined waste stream entering the EBU was not

Classification: Minor

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 61.342(f)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to provide proper notification with each shipment of waste for offsite treatment. Specifically, portions of the shipments on January 31, 2007 and September 11, 2007 did not have the required documents sent with the shipments.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	06/21/2005	(419567)
2	07/15/2005	(377760)
3	07/21/2005	(440696)
4	07/28/2005	(401759)
5	07/29/2005	(401909)
6	08/02/2005	(402183)
7	08/05/2005	(403229)
8	08/05/2005	(403737)
9	08/10/2005	(397000)
10	08/11/2005	(404843)
11	08/12/2005	(399679)
12	08/17/2005	(405483)
13	08/18/2005	(405239)
14	08/18/2005	(405650)
15	08/22/2005	(400565)
16	08/23/2005	(440697)
17	08/29/2005	(346080)
18	08/29/2005	(406782)
19	09/21/2005	(440698)

20	10/24/2005	(468214)
21	12/27/2005	(468216)
22	01/02/2006	(439868)
23	01/24/2006	(468218)
24	02/24/2006	(468212)
25	03/15/2006	(456245)
26	03/23/2006	(468213)
27	03/24/2006	(453148)
28	04/03/2006	(468215)
29	04/24/2006	(498058)
30	05/22/2006	(498059)
31	06/23/2006	(498060)
32	07/14/2006	(484513)
33	07/24/2006	(520074)
34	08/22/2006	(520075)
35	09/18/2006	(530966)
36	09/25/2006	(520076)
37	10/19/2006	(516360)
38	10/24/2006	(544331)
39	10/25/2006	(516362)
40	11/21/2006	(544332)
41	12/27/2006	(544333)
42	01/23/2007	(575013)
43	02/02/2007	(512535)
44	02/22/2007	(575007)
45	02/23/2007	(533477)
46	02/26/2007	(538339)
47	03/05/2007	(536010)
48	03/20/2007	(536015)
49	03/20/2007	(543995)
50	03/23/2007	(575008)
51	04/09/2007	(542371)
52	04/11/2007	(554498)
53	04/23/2007	(575009)
54	04/30/2007	(542587)
55	05/23/2007	(560228)
56	05/23/2007	(575010)
57	06/25/2007	(575011)
58	07/23/2007	(575012)
59	08/22/2007	(601513)
60	09/24/2007	(601514)
61	10/23/2007	(619422)
62	11/26/2007	(619423)
63	12/27/2007	(619424)
64	01/18/2008	(671933)
65	01/28/2008	(616313)
66	02/05/2008	(553832)
67	02/22/2008	(671931)
68	03/13/2008	(614925)
69	03/24/2008	(671932)
70	04/04/2008	(638924)
71	04/11/2008	(641798)
72	04/22/2008	(689850)
73	04/24/2008	(637230)
74	04/24/2008	(637249)
75	05/14/2008	(640626)
76	05/22/2008	(689851)
77	06/24/2008	(689852)
78	07/01/2008	(684730)
79	07/22/2008	(710614)
80	08/07/2008	(686095)
81	08/20/2008	(689244)
82	08/25/2008	(710615)
83	09/05/2008	(636632)
84	09/25/2008	(710616)
85	10/22/2008	(727404)

86 11/24/2008 (727405)
 87 12/20/2008 (750151)
 88 12/29/2008 (727406)
 89 01/09/2009 (686915)
 90 01/22/2009 (750152)
 91 02/23/2009 (750149)
 92 03/13/2009 (735680)
 93 03/23/2009 (750150)
 94 04/10/2009 (739785)
 95 04/22/2009 (737710)
 96 04/22/2009 (768274)
 97 05/06/2009 (703269)
 98 05/22/2009 (804387)
 99 06/23/2009 (737792)
 100 06/23/2009 (804388)
 101 07/10/2009 (749376)
 102 07/22/2009 (804389)
 103 08/12/2009 (740550)
 104 08/24/2009 (804390)
 105 08/31/2009 (747669)
 106 09/22/2009 (804391)
 107 10/22/2009 (804392)
 108 10/23/2009 (779662)
 109 11/12/2009 (776815)
 110 11/23/2009 (804393)
 111 12/04/2009 (783453)
 112 12/22/2009 (804394)
 113 01/05/2010 (785429)
 114 01/06/2010 (782929)
 115 01/22/2010 (804395)
 116 01/26/2010 (789523)
 117 02/02/2010 (767611)
 118 02/19/2010 (804386)
 119 03/05/2010 (792715)
 120 03/17/2010 (794037)
 121 03/22/2010 (794097)
 122 03/31/2010 (793450)
 123 04/16/2010 (799317)
 124 04/19/2010 (798107)
 125 05/14/2010 (796190)
 126 05/17/2010 (801156)
 127 05/24/2010 (795140)
 128 05/26/2010 (797643)
 129 05/26/2010 (800287)
 130 05/28/2010 (739689)
 131 06/03/2010 (790145)

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

Date: 08/29/2005 (346080) CN600244933
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter H 116.770
 Description Failure to apply for a Permit or Permit-by-Rule for the #4 Well Pump.
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 116, SubChapter H 116.770
 Description Failure to apply for a permit or Permit-by-Rule by September 1, 2003, for the Railcar Fugitives.
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter H 101.380(a)(1)
 Description Failure to Certify the #4 Well Pump, by June 30, 2001.
 Self YES Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(ii)
 Description Failure to equip External Floating Roof Tanks with gasketed cover.
 Self NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.271(a)(5)
 Description Failure to equip Internal Floating Roof Tanks with a gasketed cover.
 Self NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)
 Description Failure to install a closed loop or equivalent in sampling system
 Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter D 116.354(4)
 Description Failure to monitor Relief valves within 24 hours of lifting to atmosphere.
 Self NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Description Failure to comply with the Terms and Conditions of their Operating Permit
 Date: 09/30/2005 (468214) CN600244933
 Self YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description Failure to meet the limit for one or more permit parameter
 Date: 07/14/2006 (484513) CN600244933
 Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Permit # 22433, SC #1 PERMIT
 Description Failure to prevent an operator error resulting in unauthorized emission of nitrogen oxide.
 Date: 09/18/2006 (530966) CN600244933
 Self NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 09/30/2006 (544331) CN600244933
 Self YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description Failure to meet the limit for one or more permit parameter
 Date: 10/19/2006 -516360 CN600244933
 Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Flexible Permit #22433, SC#1 PA
 Description Failure to prevent unauthorized emission of propylene.
 Date: 10/25/2006 -516362 CN600244933
 Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Flexible Permit # 22433 PA
 Description: Failure to prevent unauthorized emission of benzene.
 Date 02/02/2007 (512535) CN600244933
 Self NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 No. 22433, Special Condition 6E PERMIT
 No. O-01380, Special Condition 1A OP
 No. O-01380, Special Condition 21A OP
 Description: failure to equip open ended lines and valves with a plug, cap, blind flange or second valve.
 Self NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 No. O-01380, Special Condition 1A OP
 Description: failure to install a flow meter that provides a record of vent stream flow to the flare.
 Self NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 No. 22433, Special Condition 6F PERMIT
 No. O-01380, Special Condition 1A OP
 No. O-01380, Special Condition 21A OP
 Description: failure to calibrate gas analyzer so that it conformed to the requirements of 40 CFR Part 60, Subpart VV § 60.485(b)(1).

Date 02/06/2008 (553832)

CN600244933

Self NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
FOP O-01380 SC 21 OP
NSR Permit 22433 SC 7 PA

Description: Failure to monitor components in VOC service.

Self NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01380 SC 21 OP
NSR Permit 22433 SC 7E PA

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

Self 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)
FOP O-1380 SC 21 OP
NSR Permit 22433 SC 3 PA

Description: Failure to sample cooling towers on a monthly basis.

Self 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)
FOP O-01380 SC 21 OP
NSR Permit 22433 SC 39A PA

Description: Failure to maintain H2S concentrations within limits.

Self 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)
FOP O-01380 SC21 OP
NSR Permit 22433 SC 39E PA

Description: Failure to maintain CO emissions within emission limits.

Self NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(A)
30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to calibrate flow and temperature monitors in HRVOC service.

Self NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(3)
5C THSC Chapter 382 382.085(b)
FOP O-01380 SC 17 OP

Description: Failure to calibrate fugitive monitoring equipment with certified gases.

Self 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)
FOP O-01380 SC 21 OP
NSR Permit 22433 SC 24E PA

Description: Failure to submit stack test report within 30 days.

Self NO Classification Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)
5C THSC Chapter 382 382.085(b)

Description: Failure to record changes in carbon canisters.

Self NO Classification Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.145(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit notification of intent to demolish asbestos.

Self NO Classification Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)

Description: Failure to change out carbon canisters immediately after breakthrough.

Self NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

FOP O-01380 GC OP

Description: Failure to report all instances of deviations within required time frame.
Date 04/24/2008 (637230) CN600244933
Self NO Classification Minor
Citation: 22433 Special condition # 21E PERMIT
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit compliance report within 60 days after sampling is completed
Date 07/31/2008 (710615) CN600244933
Self YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 08/07/2008 (686095) CN600244933
Self NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent toluene leak in the underground pipeline.
Date 08/20/2008 (689244) CN600244933
Self NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent hydrocarbon leak near the base of Tank 112.
Date 09/30/2008 (727404) CN600244933
Self YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 02/28/2009 (750150) CN600244933
Self YES Classification Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
Date 05/04/2009 (703269) CN600244933
Self NO Classification Minor
Citation: 22433, Special Condition 10F PERMIT
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 21 OP

Description: Failure to maintain with a cap or plug 108 open-ended valves/lines (UNIT ID REF-FUG) that were discovered from May 24, 2007 through May 23, 2008.
Self NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP

Description: Failure to perform the quarterly H2S sampling event of the Merox section for the third quarter of 2007 as required by the EPA-approved Alternative Monitoring Plan, dated December 22, 2004.
Self NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 21 OP

Description: Failure to submit the two permit amendments for Title V Permit O-01380.
Self 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)
FOP O-01380, General Terms & Conditions OP

Description: Failure to include all deviations in the previous deviation report dated December 21, 2007.
Self 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)(8)

		5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP		
Description:		Failure to document repairs in regards to bolts missing on an access hatch on Tank 16 (Unit ID T16).		
Self Citation:	NO	22433, Special Condition 3 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(c) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 21 OP	Classification	Minor
Description:		Failure to repair the manway cover on the dissolved nitrogen flotation system within 15 days.		
Self Citation:	NO	22433, Special Condition 2 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 21 OP	Classification	Minor
Description:		Failure to submit the required construction notification within 30 days of beginning construction of a new maintenance building.		
Self Citation:	NO	22433, Special Condition 2 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(4) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 21 OP	Classification	Minor
Description:		Failure to submit the required notification in relation to the construction of an equipment clean-out sump that was deemed applicable to 40 CFR 60, Subpart QQQ and was part of a new maintenance building.		
Self Citation:	NO	22433, Special Condition 46 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01388, ST&C 21 OP	Classification	Minor
Description:		Failure to route sulfur plant emissions to the FCCU Scrubber for approximately 9 hours on April 24, 2008 when the SRU caustic scrubber was inoperable or unavailable.		
Self Citation:	NO	22433, Special Condition 26B PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 21 OP	Classification	Minor
Description:		Failure to perform four cylinder gas audits using the required calibration gases as required by 40 CFR 60, Appendix B.		
Self Citation:	NO	22433, Special Condition 10F PERMIT 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(d) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 21 OP	Classification	Minor
Description:		Failure to monitor 13 new valves (Unit ID REF-FUG) that were not included in the LDAR monitoring program from November 24, 2007 through May 23, 2008.		
Self Citation:	NO	30 TAC Chapter 115, SubChapter H 115.782(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 1G(v) OP	Classification	Minor
Description:		Failure to repair one Highly Reactive Volatile Organic Compound (HRVOC) service valve (Unit ID REF-FUG) within seven calendar days.		
Self Citation:	NO		Classification	Minor

Citation:	22433, Special Condition 40 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 21 OP		
Description:	Failure to operate the SRU Tailgas Inclinerator at the minimum required temperature of 1551.5 degrees Fahrenheit for 148 six minute periods from November 24, 2007 through May 23, 2008.		
Self	NO	Classification	Minor
Citation:	22433, Special Condition 2 PERMIT 22433, Special Condition 5A PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 21 OP		
Description:	Failure to maintain a minimum net heating value of 300 Btu/scf, relating to the P-1 flare, for one-one hour period on January 22, 2008 from 2100 through 2200 hours.		
Self	NO	Classification	Minor
Citation:	22433, Special Condition 13 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 21 OP		
Description:	Failure to maintain in operating condition a level detection device on the rich amine flash drum (located in the Amine Recovery unit) when the amine/hydrocarbon level drops below the minimum set point of 35 percent.		
Self	NO	Classification	Minor
Citation:	22433, Special Condition 2 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP		
Description:	Failure to monitor two carbon canisters for VOC emissions which is a violation of 40 CFR 60.695(a)(3)(ii). (CATEGORY C1 VIOLATION)		
Self	NO	Classification	Minor
Citation:	22433, Special Condition 3 PERMIT 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i) 5C THSC Chapter 382 382.085(b) FOP O-01380, ST&C 1A OP FOP O-01380, ST&C 21 OP		
Description:	Failure to operate 2 carbon canisters with no detectable emissions above 500 ppm above background per 40 CFR 61.349(a)(1)(i). (CATEGORY C1 VIOLATION)		
Date	07/10/2009 (749376)	CN600244933	
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(2) 5C THSC Chapter 382 382.085(b)		
Description:	Refinery failed to collect manual samples during the 8 day period from December 8 - 16, 2008.		
Date	08/31/2009 (747688)	CN600244933	
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.355(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b) 5C THSC Chapter 382 382.085(b) Special Condition 10F PA		
Description:	Failure to adequately identify leaking components (Leak Detection and Repair) program. CATEGORY B19g(4).		
Self	NO	Classification	Minor
Citation:	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to seal open-ended line. CATEGORY C 10.		
Date	08/31/2009 (804391)	CN600244933	
Self	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2009 (804395)	CN600244933	
Self	YES	Classification	Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 01/06/2010 (782929) CN600244933

Self NO **Classification** Minor

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

Description: Failed to report CO and NOX in final report

Self 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: Failed to prevent an unauthorized emissions.

Date 02/02/2010 (767611) CN600244933

Self NO **Classification** Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5B PERMIT
 Special Term and Condition 21 OP

Description: Failure to maintain flare pilot lights (CATEGORY C4 violation)

Self NO **Classification** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(I)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to maintain H2S concentration in fuel gas resulting in exceedance of 160 ppm. (CATEGORY B18 violation)

Self NO **Classification** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 21 OP

Description: Failure to maintain with a cap or plug 18 open end lines. (CATEGORY C10 violation)

Self NO **Classification** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 21 OP

Description: Failure to submit revisions to Title V permit. (CATEGORY B3 violation)

Self NO **Classification** Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18(c)(4)(I)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5A PERMIT
 Special Term and Condition 21 OP

Description: Failure to maintain header flow on P-1 (EPN ES16). (CATEGORY C4 violation)

Self NO **Classification** Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5C PERMIT
 Special Term and Condition 21 OP

Description: Failure to maintain flare resulting in opacity. (CATEGORY C4 violation)

Self NO **Classification** Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5A PERMIT
 Special Term and Condition 21 OP

Description: Failure to maintain a minimum of 300 BTU/scf on P-1 (EPN ES16). (CATEGORY C4 violation)

Self	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
Description:	Failure to perform annual calibration test of flow transmitter. (CATEGORY C1 violation)		
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a) 40 CFR Part 63, Subpart G 63.119(c)(2)(x) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
Description:	Failed to maintain the float in the guide pole on Tanks T121 and T166. (CATEGORY C4 violation)		
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
Description:	Failure to maintain daily flare opacity observations records. (CATEGORY C3 violation)		
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 5D PERMIT Special Term and Condition 21 OP		
Description:	Failure to maintain HRVOC analyzer resulting in great than 5% downtime. (CATEGORY B18 violation)		
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 40 PERMIT Special Term and Condition 21 OP		
Description:	Failure to maintain the SRU stack flow analyzer resulting in greater than 5% downtime. (CATEGORY B18 violation)		
Self	NO	Classification	Minor
Citation:	30 TAC Chapter 106, SubChapter X 106.532 30 TAC Chapter 106, SubChapter X 106.533(g)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 21 OP		
Description:	Failure to maintain a temperature of at least 1400 degrees F within the wastewater thermal oxidizer (EPN 27-H-0004). (CATEGORY C4 violation)		
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(1) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
Description:	Failure to maintain the minimum limits in the FCCU AMP for the FM Recycle pump, the Cyclolab, and the Spray Tower Recirculation. (CATEGORY B18 violation)		
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(b)(3)(III) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
Description:	Failure to sample the Acid Relief Neutralizer when the caustic was above 90% spent. (CATEGORY B1 violation)		
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to submit the PCC report within 30 days of the end of the compliance period. (CATEGORY B3 violation)		
Self	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to submit the deviation report within 30 days of the end of the compliance		

period. (CATEGORY B3 violation)

Date 04/20/2010 (798107) CN600244933

Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 36 PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain minimum temperature and minimum O2 concentration on SRU#1 and 2. (CATEGORY B18 violation)

Self NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to perform the H2S sampling event of the Merox foul air system as required by the EPA-approved Alternative Monitoring Plan (AMP). (CATEGORY B1 violation)

Self NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 34 PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain SRU recovery efficiency of 99.8%. (CATEGORY C4 violation)

Self NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations occurring in a deviation reporting period. (CATEGORY B3 violation)

Self NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit accurate and complete deviation reports for the compliance period 05/24/2008 through 05/23/2009. (CATEGORY B18 violation)

Date 05/14/2010 (796190) CN600244933

Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to the heat pump seal leak.

Date 05/26/2010 (797643) CN600244933

Self NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Marathon failed to prevent high pressure in the Surge Drum.

F. Environmental audits.

Notice of Intent Date: 09/09/2008 (704688)
No DOV Associated

Notice of Intent Date: 09/01/2009 (775875)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: MARATHON ASHLAND PETROLEUM L.L.C.

Reg Entity Add: 1320 LOOP 197 S. **Reg Entity No:**

Reg Entity City: TEXAS CITY **RN100210608**

Customer Name: Marathon Petroleum Company **Customer No:** CN600244933

EPA Case No: EF-2004-2010 **Order Issue Date (yyyymmdd):** 20060330

Case Result: Final Order With Penalty **Statute:** CAA **Sect of Statute:** 211

Classification: MODERATE **Program:** Mobile Sources **Citation:**

Violation Type: Violations Of Reporting Requirements **Cite Sect:** **Cite Part:**

Enforcement Action: Administrative Penalty Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARATHON PETROLEUM
COMPANY LLC
RN100210608

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2010-0952-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Marathon Petroleum Company LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical refinery at 502 10th Street South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 29, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Three Hundred Dollars (\$7,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Eight Hundred Forty Dollars (\$5,840) of the

administrative penalty and One Thousand Four Hundred Sixty Dollars (\$1,460) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on September 14, 2010, the Respondent began construction to install a depressurization line from the Propylene Unit to the Gas Con Unit in order to prevent a recurrence of emissions events due to the same causes that occurred from the Main Plant Flare and Propylene Unit on February 22, 2010 (Incident No 136237).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with permitted emissions limits during an emissions event, in violation of 30 TEX. ADMIN. CODE § 116.715(a), New Source Review Permit No. 22433 Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2010. Specifically, during an emissions event (Incident No. 136237) that began on February 22, 2010, the Respondent failed to prevent a heat exchanger plug from leaking, causing the unauthorized release of 536.6 pounds ("lbs") of the highly reactive volatile organic compound propylene, 426.3 lbs of other volatile organic compounds, 149.4 lbs of sulfur dioxide, 1.6 lbs of hydrogen sulfide, 591.0 lbs of carbon monoxide, and 81.8 lbs of nitrous oxides from the Main Plant Flare and Propylene Unit over a 23 hour and 35 minute period. Since these emissions could have been avoided by better maintenance practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b).

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Marathon Petroleum Company LLC, Docket No. 2010-0952-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, complete the installation of the depressurization line from the Propylene Unit to the Gas Con Unit in order to prevent the recurrence of emissions events due to the same causes that occurred from the Main Plant Flare and Propylene Unit on February 22, 2010 (Incident No 136237); and
 - b. Within 195 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. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sadler
For the Executive Director

10/18/2010
Date

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

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

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

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



CP Bradley
Signature

10/14/10
Date

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

Division Manager
Title

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

