

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1043-AIR-E TCEQ ID: RN100209451 CASE NO.: 37907
RESPONDENT NAME: Motiva Enterprises 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: Port Arthur Refinery, 2100 Houston Avenue, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petroleum oil 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 May 10, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 and Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Forrest Lauher, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641 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 19, March 26, and June 12, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 30, July 13, and August 19, 2009 (NOE)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 121864. Specifically, the March 25, 2009 emissions event resulted from a power outage and fire in the Hydrogen Treating Unit ("HTU") No. 2 Rerun Tower Reboiler Heater, releasing the following unauthorized emissions over seven hours: 1,719.49 pounds ("lbs") of volatile organic compounds ("VOCs"), 3,659.66 lbs of sulfur dioxide ("SO2"), 225.84 lbs of nitrogen oxide ("NOx"), 789.09 lbs of carbon monoxide ("CO"), and 213.6 lbs of hydrogen sulfide ("H2S"). Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-01386, General Terms and Conditions ("GTC") and Special Condition ("SC") 16A, and Air Permit No. 8404/Prevention of Significant Deterioration ("PSD")-TX-1062, SC 5].</p> <p>2) Failure to properly seal open-ended lines. Specifically, during Investigation No. 738830, open-ended lines were</p>	<p>Total Assessed: \$312,272</p> <p>Total Deferred: \$62,454 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$10,000</p> <p>SEP Conditional Offset: \$20,000</p> <p>SEP Conditional Offset: \$94,909</p> <p>Total Paid to General Revenue: \$124,909</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Implemented procedures to upgrade the Leak Detection and Repair program and ensure open-ended lines are sealed with a cap, plug, or blind flange on March 19, 2009;</p> <p>b. In response to Incident No. 121864, replaced the gas latching solenoid and implemented procedures for periodic testing of the reboiler steam turbine on April 15, 2009;</p> <p>c. Implemented procedures to ensure monthly monitoring at the ALKY cooling tower, EPN: FKFCCU 1 and 2, on September 25, 2006;</p> <p>d. Implemented procedures to ensure that monthly monitoring is conducted at the HTU No. 3 Cooling Tower, EPN: FKHTU3, on February 28, 2009;</p> <p>e. Installed alarms to indicate high H2S content in the fuel gas, and implemented training of personnel to ensure the H2S content of the fuel gas on a rolling 24-hour basis is maintained at 160 ppmv on October 6, 2008;</p> <p>f. Implemented procedures to ensure the pilot flame is continuously monitored for LHCU, HTU No. 4, FCCU No. 3, and ALKY flares on February 18, 2009;</p> <p>g. Trained personnel for proper monthly monitoring procedures for the gas/vapor service with concentrations over 10,000 ppmv on December 19, 2008;</p> <p>h. Implemented alarm limit revalidation to reflect permit limits on November 20, 2007, to prevent recurrence of NOx emissions from the Combustion Turbine Generator No. 34, EPN: SPS3-7, and train personnel on those procedures on November 20, 2007;</p> <p>i. Designed procedures to ensure</p>

documented downstream of the valve with Component Identification Tag No. ("CITN") 04396 in the Alkylation Unit ("ALKY") Unit, CITN 1261 in the Lube Hydrogen Cracking Unit ("LHCU"), an untagged valve under CITN 2366 in LHCU, CITN 135915 in HTU No. 4 and CITN 04979 in ALKY were not equipped with a cap, plug or blind flange [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.340, 115.352(4), 116.715(a) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-6(a), 60.592(a), 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, and SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 12E, 71, and 73].

3) Failure to perform monthly drain inspections. Specifically, records indicate that monthly inspections were not performed for the following units: Fluid Catalytic Cracking Unit ("FCCU") No. 3 and ALKY units for the months of July 2007 through October 2007, Lube Train ("LBTN") for the months of January 2007, February 2007, May 2007 through July 2007 and September 2007 through October 2007, HTU No. 5 for the months of February 2008 through December 2008, and Drain Identification Nos. 127 and 128 for August 2007 [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.340, 115.352(4), 116.715(a) and 122.143(4), 40 CFR § 60.682-2(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 10, 16A, 71, and 73].

4) Failure to maintain allowable emission limits. Specifically, the emissions limit of 0.49 tons per year ("tpy") for VOCs and 0.68 tpy for particulate matter ("PM") was exceeded at the HTU No. 4 Heater No. 2, EPN: SHTU4-2, for the calendar year 2007 by 0.05 tpy for VOCs and 0.06 tpy for PM [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC 1].

5) Failure to perform monthly monitoring. Specifically, the August 2006 monitoring of the ALKY Cooling Tower EPN: FKFCU 1 and 2 was not recorded and was required due to the VOC threshold concentration of 2.61 parts per million ("ppm") recorded on July 20, 2006 [30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE

inspections are completed on Drain Identification Nos. 127 and 128 on August 30, 2007;

j. Equipped CITN 010 drain with a plug on August 30, 2007; and

k. Revised the reporting procedures to ensure timely submittal of emissions event reports on March 5, 2009.

Ordering Provisions:

1) The Order will require the Respondent to implement and complete Supplemental Environmental Projects (SEPs). See SEP Attachments A, B, and C

2) The Order will also require the Respondent to:

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

i. Implement procedures designed to ensure that monthly inspections are conducted for the FCCU No. 3, ALKY, LBTN, and HTU No. 5 units; and

ii. Implement self audit procedures designed to identify all deviations and designed to correctly certify compliance on the ACC.

b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision No. 2.a.

c. Within 90 days after the effective date of this Agreed Order:

i. Demonstrate that VOC and PM emission limits for the HTU No. 4 Charger Heater No. 2 are being maintained;

ii. Demonstrate that VOC and PM emission limits for Boiler Nos. 29, 32 and 33 are being maintained;

iii. Demonstrate that CO emission limit for Boiler No. 29 is being maintained; and

iv. Conduct performance testing of the CCR operations at the Catalytic Reforming Unit No. 4 Caustic Hydrochloric Acid Scrubber.

d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records

<p>§ 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 8404, SC 7B].</p> <p>6) Failure to perform monthly monitoring. Specifically, the HTU No. 3 Cooling Tower, EPN: FKHTU3, was not in operation yet the charge rate record indicated feed was being supplied to the unit January 2009 through February 2009 without monitoring [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC 31A].</p> <p>7) Failure to maintain H2S content of the fuel gas. Specifically, the H2S content of the fuel gas is to be maintained at 160 parts per million by volume ("ppmv") over three hours with no more than 130 ppmv on a rolling 24-hour basis. The HMVS2 Fuel Gas Drum H2S Continuous Emissions Monitoring Systems ("CEMS") exceeded the limit on average for July 2007 at a rate of 158.5 ppmv, August 2007 at a rate of 198.4 ppmv and September 2007 at a rate of 243.3 ppmv [30 TEX. ADMIN. CODE §§ 101.20(1), 116.715(a) and 122.143(4), 40 CFR § 60.104(a)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 6 and 71].</p> <p>8) Failure to continuously monitor pilot flames. Specifically, it was documented during Investigation No. 738830, that the Respondent had intermittently failed to monitor the pilot flames at the LHCU, HTU No. 4, FCCU No. 3, and ALKY flares from April 2007 through February 2009 [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.715(a) and 122.143(4), 40 CFR § 60.18(f)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 5B and 71].</p> <p>9) Failure to perform monthly monitoring. Specifically, the Respondent failed to perform monthly monitoring of a valve in gas/vapor service with a concentration greater than 10,000 ppmv from November 1, 2008 to December 19, 2008 [30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.340, 116.715(a) and 122.143(4), 40 CFR §§ 60.592(a) and 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC 73].</p>		to demonstrate compliance with Ordering Provision No. 2.c.
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10) Failure to comply with permitted concentration and emission limits. Specifically, on November 1, 2007, stack testing data for Combustion Turbine Generator No. 34, EPN: SPS3-7, revealed the NOx limit of 31.80 pounds per hour ("lbs/hr") was exceeded by 6.15 lbs/hr and the NOx concentration was exceeded by 10.3 ppmv at 15 percent oxygen [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 56287, General Condition ("GC") 8 and SC 3].

11) Failure to report deviations and to accurately certify compliance in the Annual Compliance Certification ("ACC"). Specifically, semi-annual deviation reports for the periods ending April 6, 2007, October 6, 2007, April 6, 2008, and October 7, 2008, did not include all instances of deviations and therefore the ACC for those years were not accurately certified [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(1) and (5)(C)(i), (ii), (iii), (iv) and (v), and (5)(D), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01386, GTC and SC 18].

12) Failure to equip a drain with a plug. Specifically, the Respondent failed to equip CITN 010 drain with a plug May 1, 2007 through August 30, 2007 [30 TEX. ADMIN. CODE §§ 101.20(3), 115.142(1)(A), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC 10].

13) Failure to maintain allowable emission limits of 17.3 lbs/hr for CO. Specifically, Boiler No. 29 exceeded the permitted limit for CO on March 18, 2007 by a calculated average of 33.23 lbs/hr, September 2, 2008 by a calculated average of 8.44 lbs/hr, and May 22, 2008 by a calculated average of 169.92 lbs/hr [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 6056, GC 8].

14) Failure to maintain allowable emission limits of 2.3 tpy for VOCs and 8.2 tpy for PM. Specifically, in calendar year 2006, the annual emission limit was exceeded for Boiler No. 32 by 4.74 tpy of VOCs and 1.52 tpy of PM, and Boiler No. 33 by 3.42 tpy of VOCs. For the calendar year 2007,

the annual emission limit was exceeded in Boiler No. 32 by 5.84 tpy of VOCs and 3.05 tpy of PM, and Boiler No. 33 by 1.61 tpy of VOCs [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 6056, GC 8].

15) Failure to conduct performance testing of the Continuous Catalytic Regenerator ("CCR") operations. Specifically, initial compliance testing on the Catalytic Reforming Unit No. 4 Caustic Hydrochloric Acid Scrubber was not performed within 150 days after the compliance date of September 8, 2005 [30 TEX. ADMIN. CODE §§ 101.20(3), 113.780, 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63, Subpart UUU, 63.1567(c)(1) and (b), and 63.157(a), FOP O-01386, GTC and SC 16A, and Air Permit 8404/PSD-TX-1062, SC 73].

16) Failure to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 108631. The Respondent failed to accurately identify the FCCU No. 3 Fractionator Relief Valves and the atmospheric vent due to exchanger leak at ALKY Exchanger No. 66, the compound descriptive name of all compounds released during the event, and the respective quantities of the compounds released [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(C), (D), (G), and (H), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01386, GTC and SC 2F].

17) Failure to maintain allowable emission limits of 2.5 tpy for VOCs, and 8.9 tpy for PM. Specifically, the annual emission limit for Boiler No. 29 was exceeded for the calendar year 2006 by 2.58 tpy of VOCs and the 0.81 tpy of PM, and for calendar year 2007 by 2.84 tpy of VOCs [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 6056, GC 8].

Attachment A
Docket Number: 2009-1043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Penalty Amount:	Two Hundred Forty-Nine Thousand Eight Hundred Eighteen Dollars (\$249,818)
SEP Offset Amount:	Ninety-Four Thousand Nine Hundred Nine Dollars (\$94,909)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Texas PTA Clean School Buses</i>
Location of SEP:	Texas Air Quality Control Region 106 – Southern Louisiana-Southeast Texas

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Texas PTA for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Ms. Kryss O'Shaughnessy, Director of Finance
Texas PTA
408 W. 11th Street
Austin, Texas 78701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

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

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

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

5. Publicity

Motiva Enterprises LLC
Agreed Order - Attachment A

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Attachment B
Docket Number: 2009-1043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Payable Penalty Amount:	Two Hundred Forty-Nine Thousand Eight Hundred Eighteen Dollars (\$249,818)
SEP Amount:	Twenty Thousand Dollars (\$20,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Port Arthur Alternative Fuel Vehicle and Equipment Program
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the City of Port Arthur to be used for Alternative Fuel Vehicle and Equipment Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. The Performing Party shall: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. SEP Funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Attachment C
Docket Number: 2009-1043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Payable Penalty Amount:	Two Hundred Forty-Nine Thousand Eight Hundred Eighteen Dollars (\$249,818)
SEP Amount:	Ten Thousand Dollars (\$10,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	City of Port Arthur: Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment C.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the City of Port Arthur to be used for Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. The Performing Party shall use SEP Funds to perform energy efficiency upgrades on public buildings and infrastructure. Specifically, SEP Funds may only be used for: 1) the costs of conducting energy efficiency audits; 2) the incremental costs for construction or implementation of energy-efficiency upgrades (versus the costs of non-energy efficiency upgrades); 3) the incremental costs of purchasing of equipment or appliances that are more energy-efficient (versus the costs of purchasing energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

SEP Funds may only be used for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, the Performing Party shall submit a budget and proposal for expenditures to TCEQ for written approval prior to the use of SEP Funds.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Steve Fitzgibbons, City Manager
City of Port Arthur
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

Motiva Enterprises LLC
Agreed Order – Attachment C

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision October 30, 2008

TCEQ	DATES	Assigned 24-Aug-2009	Screening 24-Aug-2009	EPA Due 21-May-2010
	PCW	28-Jan-2010		

RESPONDENT/FACILITY INFORMATION	
Respondent	Motiva Enterprises LLC
Reg. Ent. Ref. No.	RN100209451
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37907	No. of Violations	17
Docket No.	2009-1043-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Bennett
		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 \$77,800
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	324.0% Enhancement Subtotals 2, 3, & 7 \$252,072
Notes	Penalty enhancement due to 10 same or similar NOVs, 13 unrelated NOVs, five agreed orders with denial of liability and seven agreed orders without denial of liability. Penalty reduction due to eight notice of intended audits, two disclosures of violations, an environmental management system in place for more than one year and participation in a voluntary pollution reduction program.
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 \$5,850
Economic Benefit	0.0% Enhancement* Subtotal 6 \$0
Total EB Amounts	\$4,622
Approx. Cost of Compliance	\$29,750
<small>*Capped at the Total EB \$ Amount</small>	
SUM OF SUBTOTALS 1-7	Final Subtotal \$324,022
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment \$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>	
Notes	
	Final Penalty Amount \$324,022
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$312,272
DEFERRAL	20.0% Reduction Adjustment -\$62,454
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>	
Notes	Deferral offered for expedited settlement.
PAYABLE PENALTY	\$249,818

Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW
Respondent	Motiva Enterprises LLC	Policy Revision 2	(September 2002)	
Case ID No.	37907	PCW Revision	October 30, 2008	
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air			
Enf. Coordinator	Audra Benoit			

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)	10	50%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	7	175%
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)	8	-8%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	Yes	-5%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 324%

>> 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 10 same or similar NOVs, 13 unrelated NOVs, five agreed orders with denial of liability and seven agreed orders without denial of liability. Penalty reduction due to eight notice of intended audits, two disclosures of violations, an environmental management system in place for more than one year and participation in a voluntary pollution reduction program.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 324%

Screening Date: 24-Aug-2009	Docket No.: 2009-1043-AIR-E	PCW	
Respondent: Motiva Enterprises LLC	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.: 37907	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.: RN100209451			
Media [Statute]: Air			
Enf. Coordinator: Audra Benoit			
Violation Number: 1			
Rule Cite(s):	30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O-01386, General Terms and Conditions ("GTC") and Special Condition ("SC") 16A, and Air Permit No. 8404/Prevention of Significant Deterioration ("PSD")-TX-1062, SC 5		
Violation Description:	Failed to prevent unauthorized emissions during Incident No. 121864. Specifically, the March 25, 2009 emissions event resulted from a power outage and fire in the Hydrogen Treating Unit ("HTU") No. 2 Rerun Tower Reboiler Heater, releasing the following unauthorized emissions over seven hours: 1,719.49 pounds ("lbs") of volatile organic compounds ("VOCs"), 3,659.66 lbs of sulfur dioxide ("SO2"), 225.84 lbs of nitrogen oxide ("NOx"), 789.09 lbs of carbon monoxide ("CO"), and 213.6 lbs of hydrogen sulfide ("H2S"). Since the emissions event could have been avoided through better operational and/or maintenance 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	<input checked="" type="checkbox"/>	Percent <input type="text" value="50%"/>
	Potential	<input type="checkbox"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment:	\$5,000		
			\$5,000
Violation Events			
	Number of Violation Events: <input type="text" value="1"/>	Number of violation days: <input type="text" value="1"/>	
<i>mark only one with an x</i>	<input type="checkbox"/> daily <input type="checkbox"/> weekly <input checked="" type="checkbox"/> monthly <input type="checkbox"/> quarterly <input type="checkbox"/> semiannual <input type="checkbox"/> annual <input type="checkbox"/> single event	Violation Base Penalty	\$5,000
One monthly event is recommended based on the emissions event that occurred on March 25, 2009.			
Good Faith Efforts to Comply			
	25.0% Reduction		\$1,250
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary <input type="checkbox"/> <input type="checkbox"/> Ordinary <input checked="" type="checkbox"/> <input type="checkbox"/> N/A <input type="checkbox"/> (mark with x)		
Notes	The Respondent achieved compliance on April 15, 2009, prior to the June 30, 2009 NOE date.		
Violation Subtotal			\$3,750
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$6"/>		Violation Final Penalty Total
			\$19,950
This violation Final Assessed Penalty (adjusted for limits)			\$10,000

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
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	\$1,500	25-Mar-2009	15-Apr-2009	0.06	\$0	\$6	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost for replacing the gas latching solenoid and implementing procedures for periodic testing of the reboller steam turbine. The date required is the date of noncompliance. The final date is the date compliance was achieved.

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:	\$6
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Screening Date 24-Aug-2009 **Docket No.** 2009-1043-AIR-E **PCW**
Respondent Motiva Enterprises LLC *Policy Revision 2 (September 2002)*
Case ID No. 37907 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100209451
Media [Statute] Air
Enf. Coordinator Audra Benoit
Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1) and (3), 113.340, 115.352(4), 116.715(a) and 122.143(4), 40 Code of Federal Regulations ("CFR") §§ 60.482-6(a), 60.592(a), 63.648(a), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC, and SC Nos. 1A and 16A, Air Permit No. 8404/PSD-TX-1062, SC Nos. 12E, 71, and 73
Violation Description Failed to properly seal open-ended lines. Specifically, during Investigation No. 738830, open-ended lines were documented downstream of the valve with component identification tag number ("CITN") 04396 in the Alkylation Unit ("ALKY"), CITN 1261 in the Lube Hydrogen Cracking Unit ("LHCU"), an untagged valve under CITN 2366 in LHCU, CITN 135915 in HTU No. 4 and CITN 04979 in ALKY were not equipped with a cap, plug or blind flange.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
				0%

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days
mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the March 19, 2009 investigation.

Good Faith Efforts to Comply 25.0% Reduction \$250

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

Notes The Respondent completed corrective actions for this violation on March 19, 2009.

Violation Subtotal \$750

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$3,990

This violation Final Assessed Penalty (adjusted for limits) \$3,990

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$3,500	19-Mar-2009	19-Mar-2009	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to upgrade the Leak Detection and Repair program and ensure that open-ended lines are sealed with a cap, plug, or blind flange. The date required is the investigation date. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$3,500	TOTAL	\$0
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Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW
Respondent	Motiva Enterprises LLC	Policy Revision 2 (September 2002) PCW Revision October 30, 2008		
Case ID No.	37907			
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air			
Enf. Coordinator	Audra Benoit			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and (3), 110.340, 116.352(4), 116.715(a) and 122.143(4), 40 CFR § 60.682-2(a)(2), Tex. Health & Safety Code § 382.086(b), FOP O-01386, GTC, SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 10, 16A, 71, and 73.			
Violation Description	Failed to perform monthly drain inspections. Specifically, records indicate that monthly inspections were not performed for the following units: Fluid Catalytic Cracking Unit ("FCCU"), No. 3 and ALKY units for the months of July 2007 through October 2007, Lube Train ("LBTN") for the months of January 2007, February 2007, May 2007 through July 2007 and September 2007 through October 2007, HTU No. 5 for the months of February 2008 through December 2008, and Drain Identification Nos. 127 and 128 for August 2007.			
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			X
				Percent 10%
>> Programmatic Matrix				
Falsification				
Major				
Moderate				
Minor				
Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
Adjustment				\$9,000
				\$1,000
Violation Events				
Number of Violation Events		28	930	Number of violation days
mark only one with an x	daily			Violation Base Penalty \$28,000
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		
Twenty-eight single events are recommended based on the number of monthly inspections not performed.				
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				\$28,000
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$82	Violation Final Penalty Total \$118,720	
This violation Final Assessed Penalty (adjusted for limits)				\$118,720

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 3

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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	1-Aug-2007	30-Aug-2007	0.08	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Jan-2007	3-Apr-2010	3.25	\$81	n/a	\$81

Notes for DELAYED costs

Estimated cost to implement procedures to ensure inspections of Drain Nos. 127 and 128 (\$250); and that monthly inspections are conducted for the FCCU No. 3, ALKY, LBTN, and HTU No. 5 units (\$500). The date required is the initial date of noncompliance. The final dates are the date of compliance for procedures implemented to ensure inspections for Drain Nos. 127 and 128, and the estimated date of compliance to ensure monthly inspections are conducted for the FCCU No. 3, ALKY, LBTN, and HYU No. 5 units.

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 \$82

Screening Date 24-Aug-2009	Docket No. 2009-1043-AIR-E	PCW														
Respondent Motiva Enterprises LLC	<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37907	<i>PCW Revision October 30, 2009</i>															
Reg. Ent. Reference No. RN100209451																
Media [Statute] Air																
Enf. Coordinator Audra Benoit																
Violation Number 4																
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), Tex. Health & Safety Code § 382.065(b), FOP O-01386, GTC and SC 18A, and Air Permit No. 8404/PSD-TX-1082-SC-1															
Violation Description	Failed to maintain allowable emission limits. Specifically, the emissions limit of 0.49 tons per year ("tpy") for VOCs and 0.68 tpy for particulate matter ("PM") was exceeded at the HTU No. 4 Heater No. 2; Emission Point Number ("EPN"): SHTU4-2, for the calendar year 2007 by 0.05 tpy for VOCs and 0.06 tpy for PM.															
Base Penalty	\$10,000															
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release Major Moderate Minor															
Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>														
Potential	<input type="checkbox"/>	<input type="checkbox"/>														
Percent	25%															
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
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 this violation.															
Adjustment	\$7,500															
\$2,500																
Violation Events																
Number of Violation Events	1	Number of violation days 365														
<i>mark only one with an x</i>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">semianual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semianual	<input type="checkbox"/>	annual	<input checked="" type="checkbox"/>	single event	<input type="checkbox"/>	Violation Base Penalty \$2,500
daily	<input type="checkbox"/>															
weekly	<input type="checkbox"/>															
monthly	<input type="checkbox"/>															
quarterly	<input type="checkbox"/>															
semianual	<input type="checkbox"/>															
annual	<input checked="" type="checkbox"/>															
single event	<input type="checkbox"/>															
One annual event is recommended based on the violation occurring for calendar year 2007.																
Good Faith Efforts to Comply																
0.0% Reduction		\$0														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>														
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>														
N/A	<input checked="" type="checkbox"/>	(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	\$814	Violation Final Penalty Total \$10,600														
This violation Final Assessed Penalty (adjusted for limits)		\$10,600														

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jan-2007	3-Apr-2010	3.25	\$814	n/a	\$814

Notes for DELAYED costs: Estimated cost of procedures and oversight necessary to ensure that emission rates for the HTU No. 4 Charge Heater Number 2 are below the annual allowable emission limits. The date required is the date of noncompliance. 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	\$5,000	TOTAL	\$814
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Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW	
Respondent	Motiva Enterprises LLC			<small>Policy Revision 2 (September 2002)</small>	
Case ID No.	37907			<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No.	RN100209451				
Media [Statute]	Air				
Enf. Coordinator	Audra Benoit				
Violation Number	5				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.715(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP-O-01386, GTC and SC 16A, Air Permit No. 8404, SC 7B				
Violation Description	Failed to perform monthly monitoring. Specifically, the August 2006 monitoring of the ALKY Cooling Tower EPN: FKFCU 1 and 2 was not recorded and was required due to the VOC threshold concentration of 2.61 parts per million ("ppm") recorded on July 20, 2006.				
	Base Penalty			\$10,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>
Matrix Notes	At least 70% of the rule requirement was met based on one month of emissions from the cooling tower that may not be accurate for the annual emissions inventory.				
	Adjustment			\$9,900	
				\$100	
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="67"/>	Number of violation days	
	mark only one with an x	daily	<input type="checkbox"/>		
		weekly	<input type="checkbox"/>		
		monthly	<input type="checkbox"/>		
		quarterly	<input type="checkbox"/>		
		semiannual	<input type="checkbox"/>	Violation Base Penalty	
		annual	<input type="checkbox"/>	\$100	
		single event	<input checked="" type="checkbox"/>		
	One single event is recommended based on monitoring records being inadequate for one monitoring event.				
Good Faith Efforts to Comply					
	25.0% Reduction			\$25	
		Before NOV	NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
	Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent completed corrective actions on September 25, 2008, prior to the July 13, 2009 NOE date.				
	Violation Subtotal			\$75	
Economic Benefit (EB) for this violation					
	Estimated EB Amount	<input type="text" value="\$5"/>	Violation Final Penalty Total	\$399	
			This violation Final Assessed Penalty (adjusted for limits)	\$399	

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System	\$500	20-Jul-2006	25-Sep-2006	0.18	\$5	n/a	\$5
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			0.00	\$0	n/a	\$0	
Other (as needed)			0.00	\$0	n/a	\$0	

Notes for DELAYED costs
 Estimated cost to ensure that monthly monitoring procedures are conducted at ALKY Cooling Tower, EPN: FK FCCU 1 and 2. The date required is the date of noncompliance. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$5
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Screening Date 24-Aug-2009	Docket No. 2009-1043-AIR-E	PCW		
Respondent Motiva Enterprises LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37907	<small>PCW Revision October 30, 2009</small>			
Reg. Ent. Reference No. RN100209451				
Media [Statute] Air				
Enf. Coordinator Audra Benoit				
Violation Number 8				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(8), 116.715(a) and 122.143(4); Tex. Health & Safety Code § 382.085(b), FOP O-01388, GTC and SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC 31A			
Violation Description	Failed to perform monthly monitoring. Specifically, the HTU No. 3 Cooling Tower, EPN: FKHTU3, was not in operation yet the charge rate record indicated feed was being supplied to the unit January 2009 through February 2009 without monitoring.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>
Matrix Notes	At least 70% of the rule requirement was met based on two months of emissions from the cooling tower that may not be accurate for the annual emissions inventory.			
Adjustment				\$9,900
				\$100
Violation Events				
	<input type="text" value="2"/>	<input type="text" value="58"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
Two single events are recommended based on records being inadequate for monitoring events.				
Good Faith Efforts to Comply			25.0% Reduction	\$50
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	(mark with x)			
Notes	The Respondent achieved compliance on February 28, 2009, prior to the June 13, 2009 NOE date.			
Violation Subtotal				\$150
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$4"/>	Violation Final Penalty Total	<input type="text" value="\$798"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$798"/>

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Jan-2009	28-Feb-2009	0.16	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to ensure procedures are in place for monthly monitoring of the HTU No. 3 Cooling Tower, ERN: FKHTU3. The date required is the date of noncompliance. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$4

Screening Date: 24-Aug-2009	Docket No.: 2009-1043-AIR-E	PCW			
Respondent: Motiva Enterprises LLC	<small>Policy Revision 2 (September 2002)</small>				
Case ID No.: 37907	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No.: RN100209451					
Media [Statute]: Air					
Enf. Coordinator: Audra Benoit					
Violation Number: 7					
Rule Cite(s):	30 Tex. Admin. Code §§ 101.20(1), 116.715(a) and 122.143(4), 40 CFR § 60.104(a)(1), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC, SC Nos. 1A and 16A, Air Permit No. 8404/PSD-TX-1062, SC Nos. 6 and 71				
Violation Description:	Failed to maintain H2S content of the fuel gas. Specifically, the H2S content of the fuel gas is to be maintained at 160 pounds per million by volume ("ppmv") over three hours with no more than 130 ppmv on a rolling 24-hour basis. The HMVS2 Fuel Gas Drum H2S Continuous Emissions Monitoring Systems ("CEMS") exceeded the limit on average for July 2007 at a rate of 158.5 ppmv, August 2007 at a rate of 198.4 ppmv and September 2007 at a rate of 243.3 ppmv.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Percent				10%	
>> Programmatic Matrix					
Falsification			Major	Moderate	Minor
Matrix Notes			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.			Percent		
			0%		
Adjustment				\$9,000	
\$1,000					
Violation Events					
		3	122	Number of violation days	
<small>mark only one with an x</small>		daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>
		monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>
		semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>
		single event	<input checked="" type="checkbox"/>		
Violation Base Penalty				\$3,000	
Three single events are recommended based on July, August and September 2007 exceedances.					
Good Faith Efforts to Comply		25.0% Reduction		\$750	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary		<input type="checkbox"/>			
Ordinary		<input checked="" type="checkbox"/>			
N/A		(mark with x)			
Notes		The Respondent completed corrective actions on October 8, 2008, prior to the July 13, 2009 NOE.			
Violation Subtotal				\$2,250	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$130		Violation Final Penalty Total	
				\$11,970	
This violation Final Assessed Penalty (adjusted for limits)					\$11,970

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	12-Jul-2007	6-Oct-2008	1.24	\$6	\$124	\$130
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to install alarms to indicate high H2S content in the fuel gas and implement training of personnel to ensure the H2S content of the fuel gas on a rolling 24-hour basis is maintained at 160 ppmv. The date required is the date of noncompliance. The final date is the date compliance was achieved.

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	\$130
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Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW
Respondent	Motiva Enterprises LLC	Policy Revision 2 (September 2002)		
Case ID No.	37907	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air			
Enf. Coordinator	Audra Benoit			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and (3), 116.715(a) and 122.143(4), 40 CFR § 60.18(f)(2), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC, SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 5B and 71			
Violation Description	Failed to continuously monitor pilot flames. Specifically, it was documented during investigation No. 738830, that the Respondent had intermittently failed to monitor the pilot flames at the LHCU, HTU No. 4, FCCU No. 3, and ALKY flares from April 2007 through February 2009.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				10%
	Potential			X	

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
					0%

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

Violation Events

Number of Violation Events	4	881	Number of violation days
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mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$4,000

Four single events are recommended based on the four flares that were not continuously monitored.

Good Faith Efforts to Comply 25.0% Reduction \$1,000

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

Notes: The Respondent completed corrective actions on February 18, 2009, prior to the NDE date of July 13, 2009.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$326
Violation Final Penalty Total	\$15,960
This violation Final Assessed Penalty (adjusted for limits)	\$15,960

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	10-Apr-2007	18-Feb-2009	1.86	\$326	n/a	\$326

Notes for DELAYED costs

Estimated cost to implement procedures to ensure the pilot flame is continuously monitored for LHCUI, HTU No. 4, FCCU No. 3, and ALKY flares. The date required is the date of noncompliance. The final date is the date compliance was achieved.

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

\$3,500

TOTAL

\$326

Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW
Respondent	Motiva Enterprises LLC	Policy Revision 2 (September 2002)		
Case ID No.	37907	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air			
Enf. Coordinator	Audra Benoit			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and (3), 113.340, 116.716(a) and 122.143(4), 40 CFR §§ 60.592(a) and 63.648(a), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC and SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1082, SC 78			
Violation Description	Failed to perform monthly monitoring. Specifically, the Respondent failed to perform monthly monitoring of a valve in gas/vapor service with a concentration greater than 10,000 ppmv from November 1, 2008 to December 19, 2008.			
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				25%
>> Programmatic Matrix				
Matrix Notes	Falsification			
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
Estimated emissions of 110,448 lbs of VOCs for the valve in the gas/vapor service were calculated utilizing the Uncontrolled SOCM Fugitive Emissions Factors in the "Air Permits Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication. 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	
		49		
mark only one with an x	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty				\$2,500
One quarterly event is recommended based on the initial violation date of November 1, 2008 to the next monitoring date of December 19, 2008.				
Good Faith Efforts to Comply		25.0% Reduction	\$625	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="checkbox"/>	(mark with x)		
Notes	The Respondent achieved compliance on December 19, 2008, prior to the NOE date of July 13, 2009.			
Violation Subtotal				\$1,875
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$28	Violation Final Penalty Total	\$9,975	
This violation Final Assessed Penalty (adjusted for limits)				\$9,975

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
			0.00	\$0	\$0	\$0	
Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System	\$500	1-Nov-2007	19-Dec-2008	1.13	\$28	n/a	\$28
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			0.00	\$0	n/a	\$0	
Other (as needed)			0.00	\$0	n/a	\$0	

Notes for DELAYED costs

Estimated cost to train personnel for proper monthly monitoring procedures for the gas/vapor service with concentrations over 10,000 ppmv. The date required is the date of noncompliance. The final date is the date compliance was achieved by training the applicable personnel.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date	24-Aug-2009	Docket No:	2009-1043-AIR-E	PCW
Respondent	Motiva Enterprises LLC			Policy Revision 2 (September 2002)
Case ID No.	37907			PCW Revision October 30, 2008
Reg. Ent. Reference No.	RN100209451			
Media [Statute]	Air			
Enf. Coordinator	Audra Benoit			
V12	10			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4) Tex. Health & Safety Code § 382.085(b), FOP D-01386, GTC and SC 16A, Air Permit No. 56287, General Condition ("GC") 8 and SC 3			
Violation Description	Failed to comply with permitted concentration and emission limits. Specifically, on November 1, 2007, stack testing data for Combustion Turbine Generator No. 34, EPN: SPS3-7, revealed the NOx limit of 31.80 pounds per hour ("lbs/hr") was exceeded by 6.15 lbs/hr and the NOx concentration was exceeded by 10.3 ppmv at 15 percent oxygen			
	Base Penalty			\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent			25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Percent			0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
	Adjustment			\$7,500
				\$2,500
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="20"/>
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
	Violation Base Penalty			\$2,500
One quarterly event is recommended based on stack testing that was conducted on November 1, 2007, to the compliance date of November 20, 2007.				
Good Faith Efforts to Comply				
	25.0% Reduction			\$625
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent achieved compliance on November 20, 2007, prior to the July 18, 2009 NOE.			
	Violation Subtotal			\$1,875
Economic Benefit (EB) for this violation				
	Estimated EB Amount	<input type="text" value="7"/>	Violation Final Penalty Total	\$9,975
			This violation Final Assessed Penalty (adjusted for limits)	\$9,975

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,500	1-Nov-2007	20-Nov-2007	0.05	\$7	n/a	\$7
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 cost to implement procedures designed to prevent recurrence of NOx exceedances from Combustion Turbine Generator, No. 34, EPN: SPS3-7, and train personnel in those procedures. The date required is the date of noncompliance. The final date is the date compliance was achieved.

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	\$2,500	TOTAL	\$7
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Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW	
Respondent	Motiva Enterprises LLC	Policy Revision 2 (September 2002)			
Case ID No.	37907	PCW Revision October 30, 2008			
Reg. Ent. Reference No.	RN100209451				
Media [Statute]	Air				
Enf. Coordinator	Audra Benoit				
Violation Number	11				
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), 122.148(1) and (5)(C)(i), (ii), (iii), (iv) and (v), and (6)(D), Tex. Health & Safety Code § 382.085(b), and FOP O-01386, GTC and SC 18				
Violation Description	Failed to report deviations and to accurately certify compliance in the Annual Compliance Certification ("ACC"). Specifically, semi-annual deviation reports for the periods ending April 6, 2007, October 6, 2007, April 6, 2008, and October 7, 2008, did not include all instances of deviations and therefore the ACC for those years were not accurately certified.				
Base Penalty				\$10,000	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent	
				0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent	
				1%	
Matrix Notes	At least 70% of the rule requirement was met.				
Adjustment				\$9,900	
				\$100	
Violation Events					
Number of Violation Events		4	Number of violation days		
		550			
mark only one with an x	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
				Violation Base Penalty	
				\$400	
Four single events are recommended based on the four reports with missing deviations.					
Good Faith Efforts to Comply		0.0% Reduction	\$0		
		Before NOV	NOV to EDRP/ Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$400	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$102	Violation Final Penalty Total		
			\$1,896		
This violation Final Assessed Penalty (adjusted for limits)				\$1,896	

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	7-May-2007	3-Apr-2010	2.91	\$5	\$97	\$102
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement self-audit procedures to identify all deviations. The date required is the date the ACC was not accurately certified. 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	\$500	TOTAL	\$102
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Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW
Respondent	Motiva Enterprises LLC	Policy Revision 2 (September 2002)		
Case ID No.	37907	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN100209451			
Media (Statute)	Air			
Enf. Coordinator	Audra Benoit			
Violation Number	12			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 115.142(1)(A), 116.715(a) and 122.143(4), Tex. Health & Safety Code § 982.085(b), FOP O-01386, GTC and SC Nos. 1A and 16A, and Air Permit No. 8404/P&D-TX-1062, SC-10			
Violation Description	Failed to equip a drain with a plug. Specifically, the Respondent failed to equip CITN 010 drain with a plug May 1, 2007 through August 30, 2007.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Estimated emissions of 204.96 lbs of VOCs for the drain was calculated utilizing the Uncontrolled SOCM Fugitive Emission Factors in the "Air Permits Technical Guidance for Chemical Sources: Equipment Leak Fugitives" publication. 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 this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the initial violation date of May 1, 2007 to the compliance date of August 30, 2007.

Good Faith Efforts to Comply Reduction

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

Notes: The Respondent achieved compliance on August 30, 2007, prior to the NOV date of July 13, 2009.

Violation Subtotal \$3,750

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$19,950

This violation Final Assessed Penalty (adjusted for limits) \$19,950

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	1-May-2007	30-Aug-2007	0.33	\$8	n/a	\$8
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 cost to design procedures to ensure inspections are completed and equip CITN 010 drain with a plug. The date required is the date of noncompliance. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$8
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Screening Date 24-Aug-2009	Docket No. 2009-1043-AIR-E	PCW		
Respondent Motiva Enterprises LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37907	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN100209451				
Media [Statute] Air				
Ent. Coordinator Audra Benoit				
Violation Number 13				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4) Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC and SC 16A, Air Permit No. 6056, GC 8			
Violation Description	Failed to maintain allowable emission limits of 17.3 lbs/hr for CO. Specifically, Boiler No. 29 exceeded the permitted limit for CO on March 16, 2007 by a calculated average of 33.23 lbs/hr, September 2, 2008 by a calculated average of 8.44 lbs/hr, and May 22, 2008 by a calculated average of 169.92 lbs/hr.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				0%
Matrix Notes	Human health or the environment has been exposed to insignificant 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		3	Number of violation days	
		3		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty				\$7,500
Three quarterly events are recommended based on the months of March 2007 and May and September 2008.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$7,500
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$228	Violation Final Penalty Total	
			\$31,800	
This violation Final Assessed Penalty (adjusted for limits)				\$30,000

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	18-Mar-2007	3-Apr-2010	3.05	\$228	\$228
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 cost to implement procedures designed to prevent CO exceedances from Boiler No. 29. The date required is the initial date of non-compliance. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$228

Screening Date	24-Aug-2009	Docket No.	2009-1043-AIR-E	PCW	
Respondent	Motiva Enterprises LLC			<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	37907			<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No.	RN100209451				
Media [Statute]	Air				
Enf. Coordinator	Audra Benoit				
Violation Number	14				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.116(b)(2)(F) and 122.143(4), Tex. Health & Safety Code 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 6056, GC 8				
Violation Description	Failed to maintain allowable emission limits of 2.3 tpy for VOCs and 8.2 tpy for PM. Specifically, in calendar year 2006, the annual emission limit was exceeded for Boiler No. 32 by 4.74 tpy of VOCs and 1.52 tpy of PM, and Boiler No. 33 by 3.42 tpy of VOCs. For the calendar year 2007, the annual emission limit was exceeded in Boiler No. 32 by 5.84 tpy of VOCs and 3.05 tpy of PM, and Boiler No. 33 by 1.61 tpy of VOCs.				
	Base Penalty			\$10,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent	25%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent	0%
Matrix Notes	Human health or the environment has been exposed to insignificant 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	4	Number of violation days	1258	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input checked="" type="checkbox"/>			
	single event	<input type="checkbox"/>			
	Four annual events are recommended based on calendar years 2006 and 2007 for Boiler Nos. 32 and 33.				
Good Faith Efforts to Comply					
		0.0% Reduction		\$0	
		Before NOV	NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
	Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
	N/A	<input checked="" type="checkbox"/>	(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	\$319	Violation Final Penalty Total	\$42,400	
			This violation Final Assessed Penalty (adjusted for limits)	\$42,400	

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	1-Jan-2006	3-Apr-2010	4.25	\$319	n/a	\$319
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 cost to implement procedures designed to prevent VOC and PM exceedances from Boiler Nos. 32 and 33. The date required is the initial date of noncompliance. 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	\$1,500	TOTAL	\$319
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Screening Date: 24-Aug-2009	Docket No.: 2009-1043-AIR-E	PCW	
Respondent: Motiva Enterprises LLC	<small>Policy Revision 2 (September 2002)</small>		
Case ID No.: 37907	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No.: RN100209451			
Media [Statute]: Air			
Enf. Coordinator: Audra Benoit			
Violation Number: 15			
Rule Cite(s):	30 Tex. Admin. Code §§ 101.20(3), 113.780, 116.715(a) and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63, Subpart UUU, 63.1567(c)(1) and (b), and 63.157(a), FOP O-01388, GTC and SC 16A, and Air Permit 8404/PSD-TX-1062, SC 73		
Violation Description:	Failed to conduct performance testing of the Continuous Catalytic Regenerator operations. Specifically, initial compliance testing on the Catalytic Reforming Unit No. 4 Caustic Hydrochloric Acid Scrubber was not performed within 150 days after the compliance date of September 8, 2005.		
Base Penalty:		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percent			10%
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent			0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.		
Adjustment:			\$9,000
			\$1,000
Violation Events			
Number of Violation Events: 1		Number of violation days: 1373	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty: \$1,000
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended based on one late performance test.			
Good Faith Efforts to Comply		0.0% Reduction	\$0
	Before NOV	NOV to EDRP/ Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal:			\$1,000
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount: \$2,187		Violation Final Penalty Total: \$4,240	
		This violation Final Assessed Penalty (adjusted for limits): \$4,240	

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$3,000	8-Sep-1995	3-Apr-2010	14.58	\$2,187	n/a	\$2,187
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 cost to implement testing of the Continuous Catalytic Regenerator operations at Catalytic Reforming Unit No. 4 Caustic Hydrochloric Acid Scrubber. The date required is the initial date of noncompliance. 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	\$3,000	TOTAL	\$2,187
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Screening Date 24-Aug-2009	Docket No. 2009-1043-AIR-E	PCW		
Respondent Motiva Enterprises LLC	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37907	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN100209451				
Media [Statute] Air				
Enf. Coordinator Audra Benoit				
Violation Number 16				
Rule Cite(s)	30 Tex. Admin. Code §§101.201(b)(1)(C), (D), (G), and (H), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC and SC 2F			
Violation Description	Failed to properly report an emissions event. Specifically, the Respondent did not submit an accurate final report for Incident No. 108631. The Respondent failed to accurately identify the FCCU No. 3 Fractionator Relief Valves and the atmospheric vent due to exchanger leak at ALKY Exchanger No. 66, the compound descriptive name of all compounds released during the event, and the respective quantities of the compounds released.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
			Falsification	Major
			<input type="text"/>	<input type="text"/>
			<input type="text"/>	<input type="text"/>
			<input type="text"/>	<input checked="" type="text" value="X"/>
				Percent <input type="text" value="1%"/>
Matrix Notes	At least 70% of the rule requirement was met.			
Adjustment				\$9,900
				\$100
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="364"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text" value="X"/>		
				Violation Base Penalty <input type="text" value="\$100"/>
One single event is recommended based on one incomplete report.				
Good Faith Efforts to Comply				
		25.0% Reduction		<input type="text" value="\$26"/>
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="text" value="X"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent completed corrective actions on March 5, 2009, prior to the August 19, 2009 NOE.			
Violation Subtotal				\$75
Economic Benefit (EB) for this violation				
Estimated EB Amount		<input type="text" value="\$57"/>	Statutory Limit Test	
			Violation Final Penalty Total	<input type="text" value="\$399"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$399"/>

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	2-Jun-2008	5-Mar-2009	0.76	\$57	n/a	\$57

Notes for DELAYED costs

Estimated cost to revise reporting procedures to ensure the timely submittal of emissions event reports. The date required is the date of the emissions event. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$57

Screening Date: 24-Aug-2009	Docket No.: 2009-1043-AIR-E	PCW															
Respondent: Motiva Enterprises LLC	<small>Policy Revision 2 (September 2002)</small>																
Case ID No.: 37907	<small>PCW Revision October 30, 2008</small>																
Reg. Ent. Reference No.: RN100209451																	
Media [Statute]: Air																	
Enf. Coordinator: Audra Benoit																	
Violation Number: 17																	
Rule Cite(s):	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4) Tex. Health & Safety Code § 382.085(b), FOP O-01886, GTC and SC 16A, Air Permit No. 6056, GC 8																
Violation Description:	Failed to maintain allowable emission limits of 2.5 tpy for VOCs, and 8.9 tpy for PM. Specifically, the annual emission limit for Boiler No. 29 was exceeded for the calendar year 2006 by 2.58 tpy of VOCs and the 0.81 tpy of PM, and for calendar year 2007 by 2.84 tpy of VOCs.																
Base Penalty:	\$10,000																
>> Environmental, Property and Human Health Matrix																	
OR	Release	Harm															
		Major Moderate Minor															
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	Percent 25%														
Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																
>> Programmatic Matrix																	
	Falsification	Major Moderate Minor															
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent 0%														
Matrix Notes	Human health or the environment has been exposed to insignificant 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:	2	Number of violation days: 790														
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>weekly</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>single event</td><td><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input checked="" type="checkbox"/>	single event	<input type="checkbox"/>	Violation Base Penalty \$5,000	
daily	<input type="checkbox"/>																
weekly	<input type="checkbox"/>																
monthly	<input type="checkbox"/>																
quarterly	<input type="checkbox"/>																
semiannual	<input type="checkbox"/>																
annual	<input checked="" type="checkbox"/>																
single event	<input type="checkbox"/>																
Two annual events are recommended based on the calendar years 2006 and 2007.																	
Good Faith Efforts to Comply			0.0% Reduction \$0														
	<small>Before NOV</small>	<small>NOV to EDCRP/Settlement Offer</small>															
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>															
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>															
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>															
Notes	The Respondent does not meet the good faith criteria for this violation.																
Violation Subtotal:			\$5,000														
Economic Benefit (EB) for this violation		Statutory Limit Test															
Estimated EB Amount:	\$319	Violation Final Penalty Total:	\$21,200														
This violation Final Assessed Penalty (adjusted for limits):			\$21,200														

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 37907
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	1-Jan-2006	3-Apr-2010	4.25	\$319	\$319
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 cost to implement procedures designed to prevent VOC and PM exceedances from Boiler No. 29. The date required is the initial date of non-compliance. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL:	\$319
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Compliance History Report

Customer/Respondent/Owner-Operator: CN600124051 Motiva Enterprises LLC Classification: AVERAGE Rating: 1.88
Regulated Entity: RN100209451 PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 14.86

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0095D
	AIR OPERATING PERMITS	PERMIT	1386
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008097529
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30121
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50188
	WASTEWATER	PERMIT	WQ0000414000
	WASTEWATER	PERMIT	TX0005835
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230079
	AIR NEW SOURCE PERMITS	PERMIT	48503
	AIR NEW SOURCE PERMITS	PERMIT	48504
	AIR NEW SOURCE PERMITS	PERMIT	48505
	AIR NEW SOURCE PERMITS	PERMIT	48506
	AIR NEW SOURCE PERMITS	PERMIT	49372
	AIR NEW SOURCE PERMITS	PERMIT	49332
	AIR NEW SOURCE PERMITS	PERMIT	49333
	AIR NEW SOURCE PERMITS	PERMIT	49480
	AIR NEW SOURCE PERMITS	PERMIT	49477
	AIR NEW SOURCE PERMITS	PERMIT	49478
	AIR NEW SOURCE PERMITS	PERMIT	49912
	AIR NEW SOURCE PERMITS	PERMIT	50157
	AIR NEW SOURCE PERMITS	PERMIT	50158
	AIR NEW SOURCE PERMITS	PERMIT	50299
	AIR NEW SOURCE PERMITS	PERMIT	791
	AIR NEW SOURCE PERMITS	PERMIT	3415
	AIR NEW SOURCE PERMITS	PERMIT	6056
	AIR NEW SOURCE PERMITS	PERMIT	7160
	AIR NEW SOURCE PERMITS	PERMIT	7304
	AIR NEW SOURCE PERMITS	PERMIT	8210
	AIR NEW SOURCE PERMITS	PERMIT	8404
	AIR NEW SOURCE PERMITS	PERMIT	9244
	AIR NEW SOURCE PERMITS	PERMIT	21100
	AIR NEW SOURCE PERMITS	PERMIT	21099
	AIR NEW SOURCE PERMITS	PERMIT	22061

AIR NEW SOURCE PERMITS	PERMIT	23689
AIR NEW SOURCE PERMITS	PERMIT	23943
AIR NEW SOURCE PERMITS	PERMIT	23690
AIR NEW SOURCE PERMITS	PERMIT	24148
AIR NEW SOURCE PERMITS	PERMIT	24417
AIR NEW SOURCE PERMITS	PERMIT	24081
AIR NEW SOURCE PERMITS	PERMIT	24307
AIR NEW SOURCE PERMITS	PERMIT	29244
AIR NEW SOURCE PERMITS	PERMIT	32236
AIR NEW SOURCE PERMITS	PERMIT	31590
AIR NEW SOURCE PERMITS	PERMIT	32853
AIR NEW SOURCE PERMITS	PERMIT	34264
AIR NEW SOURCE PERMITS	PERMIT	34500
AIR NEW SOURCE PERMITS	PERMIT	37624
AIR NEW SOURCE PERMITS	PERMIT	38931
AIR NEW SOURCE PERMITS	PERMIT	39659
AIR NEW SOURCE PERMITS	PERMIT	40494
AIR NEW SOURCE PERMITS	PERMIT	40950
AIR NEW SOURCE PERMITS	PERMIT	41443
AIR NEW SOURCE PERMITS	PERMIT	41820
AIR NEW SOURCE PERMITS	PERMIT	44322
AIR NEW SOURCE PERMITS	PERMIT	44585
AIR NEW SOURCE PERMITS	PERMIT	44691
AIR NEW SOURCE PERMITS	PERMIT	45561
AIR NEW SOURCE PERMITS	PERMIT	45560
AIR NEW SOURCE PERMITS	PERMIT	45545
AIR NEW SOURCE PERMITS	PERMIT	45938
AIR NEW SOURCE PERMITS	PERMIT	45937
AIR NEW SOURCE PERMITS	PERMIT	45936
AIR NEW SOURCE PERMITS	PERMIT	45935
AIR NEW SOURCE PERMITS	PERMIT	45934
AIR NEW SOURCE PERMITS	PERMIT	46015
AIR NEW SOURCE PERMITS	PERMIT	46079
AIR NEW SOURCE PERMITS	PERMIT	46331
AIR NEW SOURCE PERMITS	PERMIT	46330
AIR NEW SOURCE PERMITS	PERMIT	46326
AIR NEW SOURCE PERMITS	PERMIT	46589
AIR NEW SOURCE PERMITS	PERMIT	46958

AIR NEW SOURCE PERMITS	PERMIT	47149
AIR NEW SOURCE PERMITS	PERMIT	47637
AIR NEW SOURCE PERMITS	PERMIT	48153
AIR NEW SOURCE PERMITS	PERMIT	51922
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0095D
AIR NEW SOURCE PERMITS	PERMIT	11297
AIR NEW SOURCE PERMITS	PERMIT	11762
AIR NEW SOURCE PERMITS	PERMIT	11777
AIR NEW SOURCE PERMITS	PERMIT	11895
AIR NEW SOURCE PERMITS	PERMIT	12059
AIR NEW SOURCE PERMITS	PERMIT	12117
AIR NEW SOURCE PERMITS	PERMIT	12482
AIR NEW SOURCE PERMITS	PERMIT	13313
AIR NEW SOURCE PERMITS	PERMIT	13358
AIR NEW SOURCE PERMITS	PERMIT	13534
AIR NEW SOURCE PERMITS	PERMIT	13693
AIR NEW SOURCE PERMITS	PERMIT	14363
AIR NEW SOURCE PERMITS	PERMIT	14273
AIR NEW SOURCE PERMITS	PERMIT	14493
AIR NEW SOURCE PERMITS	PERMIT	15403
AIR NEW SOURCE PERMITS	PERMIT	15717
AIR NEW SOURCE PERMITS	PERMIT	16025
AIR NEW SOURCE PERMITS	PERMIT	16221
AIR NEW SOURCE PERMITS	PERMIT	17522
AIR NEW SOURCE PERMITS	PERMIT	54322
AIR NEW SOURCE PERMITS	REGISTRATION	75653
AIR NEW SOURCE PERMITS	REGISTRATION	55797
AIR NEW SOURCE PERMITS	AFS NUM	4824500020
AIR NEW SOURCE PERMITS	PERMIT	56287
AIR NEW SOURCE PERMITS	PERMIT	52429
AIR NEW SOURCE PERMITS	PERMIT	52468
AIR NEW SOURCE PERMITS	REGISTRATION	75103
AIR NEW SOURCE PERMITS	REGISTRATION	77320
AIR NEW SOURCE PERMITS	REGISTRATION	77681
AIR NEW SOURCE PERMITS	REGISTRATION	77244
AIR NEW SOURCE PERMITS	REGISTRATION	77922
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062
AIR NEW SOURCE PERMITS	PERMIT	78358

AIR NEW SOURCE PERMITS	REGISTRATION	26297
AIR NEW SOURCE PERMITS	REGISTRATION	78595
AIR NEW SOURCE PERMITS	REGISTRATION	79194
AIR NEW SOURCE PERMITS	REGISTRATION	79866
AIR NEW SOURCE PERMITS	PERMIT	79866L
AIR NEW SOURCE PERMITS	REGISTRATION	81547
AIR NEW SOURCE PERMITS	REGISTRATION	82078
AIR NEW SOURCE PERMITS	REGISTRATION	82087
AIR NEW SOURCE PERMITS	REGISTRATION	86268
AIR NEW SOURCE PERMITS	REGISTRATION	84540
AIR NEW SOURCE PERMITS	REGISTRATION	87900
AIR NEW SOURCE PERMITS	REGISTRATION	89645
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062M1
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808

INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50188
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IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121
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Location: 2100 HOUSTON AVE, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 20, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 20, 2004 to July 20, 2009

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

Name: Audra Benoit Phone: (409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/11/2004

ADMINORDER 2004-0045-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404 Special Condition 9 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

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

Description: Failure to notify the TCEQ Regional Office no later than 24 hours after the discovery of an excess opacity event.

Effective Date: 03/21/2005

ADMINORDER 2004-0898-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, SC 9 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 04/29/2005

ADMINORDER 2003-1186-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 9 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

Description: Failed to include the compound descriptive type and estimated total quantities of all air contaminants in the final report for an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 9 PERMIT

Description: Failed to prevent unauthorized emissions which created a nuisance condition.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.7(a)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 116, SubChapter G 116.721(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
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: GC 8, SC 1 PERMIT
SC 9, 12, III-1, III-3, VIII-1 PERMIT

Description: Failed to prevent unauthorized emissions, exceeded the H2S content in the fuel gas and did not properly operate pollution control equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.201(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on final reports of emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.7(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 116, SubChapter G 116.721(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8, SC 1 PERMIT
SC 9, 12, III-1, VIII-1 PERMIT

Description: Failed to prevent unauthorized emissions, exceeded the H2S content in the fuel gas and did not properly operate pollution control equipment.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the compound descriptive type of contaminants and total estimated quantities for all emissions released on the final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to create a final record for an emission event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(6)

30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the duration, compound descriptive type of contaminants, estimated quantities, and cause on five final reports for emission events.

Classification: Moderate

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

Description: Failed to prevent the unauthorized exceedance of opacity limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
30 TAC Chapter 101, SubChapter F 101.201(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on initial and final reports for two emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter F 101.201(b)(10)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the cause on 11 final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the authorized emission limits on initial reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to notify the agency of a maintenance event which began on January 30, 2003 which resulted in reportable quantities of emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the cause, compound descriptive type of contaminants, and total estimated quantities on ten final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(1)
30 TAC Chapter 101, SubChapter A 101.6(b)(4)
30 TAC Chapter 101, SubChapter A 101.6(b)(5)
30 TAC Chapter 101, SubChapter A 101.6(b)(6)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the cause, duration, compound descriptive type of contaminants, and total estimated quantities on nine final reports for emission events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit seven initial notifications for reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(10)
30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include the compound descriptive type of contaminants, the estimated quantities, and the cause on the final report for an emissions event.

Effective Date: 11/06/2005

ADMINORDER 2005-0347-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit 8404, SC No. 9 PERMIT

Description: Failure to maintain an emission below the allowable emission limit.

Classification: Moderate

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

Description: Failure to properly notify the Beaumont Regional Office of a reportable emissions event.

Effective Date: 02/18/2008

ADMINORDER 2005-2011-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

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

Rqmt Prov: 8404, Special Condition 9 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 9 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 116, SubChapter G 116.721(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 7A PERMIT

8404, Special Condition 9 PERMIT

Description: Failure to properly operate the FCCU3 Flare (EPN: EFCCU3).

Effective Date: 04/14/2008

ADMINORDER 2007-1335-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: 8404/PSD-TX-1062, Special Condition 1 PERMIT

8404/PSD-TX-1062, Special Condition 5 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Description: Failed to comply with opacity limits.

Effective Date: 06/19/2008

ADMINORDER 2006-1513-AIR-E

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain authorization for the CO emissions from the MPU No. 3 Extract Heater (EPN: SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN: SMPU3-1).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 6F PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526, and 14824.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP

Description: Failure to timely report 12 deviations during three semi-annual deviation reports. Two of the reports additionally were missing corrective action information for two reported deviations.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)
30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 106, SubChapter T 106.454(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 17 OP

Description: Failure to properly operate facility degreasing units.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(v)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP

Description: Failure to maintain a record of the repair monitoring for a leaking fugitive component.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
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 GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to seal 67 open-ended lines with a cap, plug, or blind flange.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 79 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP

Description: Failure to maintain a record of fugitive monitoring components 19992, 19993 and 19994 in the fugitive monitoring database.

Effective Date: 07/03/2008

ADMINORDER 2007-1497-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6056, General Condition 8 PERMIT
8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP

Description: Failed to comply with permitted emissions limits for NOx.

Classification: Moderate

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

Rqmt Prov: O-01386, Special Condition 3B(iii) OP

Description: Failure to perform quarterly opacity observations of all stationary vents.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
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 UUU 63.1567(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 14 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at or above a pH of 7.0.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
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 UUU 63.1567(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 14 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to conduct daily HCl testing at the CRU4 Caustic HCl Scrubber.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.244(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

Description: Failed to perform part or all of daily Stage II VRS inspections.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.340
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 GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition 14 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
O-01386, General Terms and Conditions OP

Description: Failed to properly seal four leaking open-ended lines in volatile organic compound ("VOC") service with a cap, plug, or blind flange.

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 23 PERMIT
O-01386, General Terms and Conditions OP

Description: Failed to monitor the DCU Flare's pilot flame.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP

Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in Annual Compliance Certifications.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT
General Terms and Conditions OP

Description: Failed to comply with permitted emissions limits for particulate matter ("PM"). Specifically, the permit limits PM emissions from Boiler 27 (EPN SPS2-7) to 1.4 lbs/hr and 6.2 tons per year ("tpy"), and during 2004, the Respondent reported those emissions at 1.58 lb/hr and 6.93 tpy. In addition, the permit limits PM from Boiler 31, 32, and 33 (EPNs SPS3-1, SPS3-2, and SPS3-3, respectively) to 1.90 lb/hr and 8.2 tpy. During 2004, the Respondent reported PM emissions from those EPNs at 1.97, 2.3

Effective Date: 09/22/2008

ADMINORDER 2008-0389-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 16 OP

Description: Failure to maintain emission rates below the allowable emission limits.

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. (CEDS Inv. Track. No.)

1	07/22/2004	(295441)
2	08/24/2004	(352156)
3	08/31/2004	(253278)
4	09/20/2004	(352157)
5	09/20/2004	(352161)
6	10/13/2004	(286696)
7	10/13/2004	(286697)
8	10/13/2004	(286698)
9	10/20/2004	(352158)
10	11/08/2004	(336149)
11	11/08/2004	(336153)
12	11/08/2004	(336154)
13	11/08/2004	(336156)
14	11/19/2004	(352159)
15	11/22/2004	(341148)
16	11/22/2004	(341149)
17	11/22/2004	(341150)
18	11/22/2004	(341152)
19	11/22/2004	(341153)
20	11/23/2004	(338625)
21	12/13/2004	(343042)
22	12/13/2004	(343131)
23	12/17/2004	(352160)
24	12/22/2004	(339617)
25	01/06/2005	(343526)
26	01/24/2005	(346789)
27	01/31/2005	(347748)
28	02/10/2005	(348671)
29	02/18/2005	(344919)
30	02/22/2005	(381860)
31	03/23/2005	(346655)
32	04/01/2005	(341733)
33	04/01/2005	(341734)
34	04/22/2005	(419690)
35	04/22/2005	(419693)
36	04/27/2005	(340352)
37	05/20/2005	(381148)
38	05/20/2005	(381149)
39	05/20/2005	(381150)
40	05/20/2005	(381151)
41	05/23/2005	(419691)
42	06/21/2005	(419692)
43	06/23/2005	(381154)
44	06/24/2005	(419689)
45	06/30/2005	(381062)
46	07/19/2005	(377532)
47	08/01/2005	(395622)
48	08/01/2005	(395623)
49	08/19/2005	(440827)
50	08/23/2005	(399864)
51	08/31/2005	(339481)
52	08/31/2005	(343681)
53	08/31/2005	(374623)
54	09/15/2005	(398731)
55	09/15/2005	(398732)
56	09/15/2005	(398734)
57	09/15/2005	(398735)

58	09/23/2005	(440828)
59	09/23/2005	(440830)
60	10/24/2005	(440829)
61	11/09/2005	(436494)
62	11/18/2005	(468423)
63	12/02/2005	(418595)
64	12/02/2005	(435832)
65	12/06/2005	(436191)
66	12/27/2005	(468424)
67	01/09/2006	(438161)
68	01/09/2006	(438163)
69	01/09/2006	(438165)
70	01/09/2006	(438167)
71	01/09/2006	(438168)
72	01/09/2006	(438169)
73	01/09/2006	(438170)
74	01/09/2006	(438171)
75	01/09/2006	(438173)
76	01/09/2006	(438174)
77	01/12/2006	(437664)
78	01/24/2006	(439304)
79	01/24/2006	(439305)
80	01/24/2006	(439306)
81	01/24/2006	(439307)
82	01/24/2006	(439308)
83	01/27/2006	(440026)
84	01/27/2006	(440027)

85	01/27/2006	(440028)
86	02/07/2006	(437317)
87	02/15/2006	(450083)
88	02/16/2006	(440030)
89	02/22/2006	(468420)
90	03/15/2006	(498184)
91	03/28/2006	(454259)
92	03/28/2006	(454260)
93	03/28/2006	(454262)
94	03/29/2006	(454263)
95	03/29/2006	(454264)
96	04/13/2006	(468421)
97	04/13/2006	(468422)
98	04/14/2006	(454439)
99	05/03/2006	(453810)
100	05/12/2006	(498185)
101	05/16/2006	(464788)
102	05/16/2006	(464801)
103	05/22/2006	(459051)
104	06/16/2006	(465963)
105	06/20/2006	(498186)
106	07/13/2006	(481868)
107	07/17/2006	(455987)
108	07/24/2006	(466418)
109	07/24/2006	(482945)
110	08/18/2006	(520192)
111	08/25/2006	(466256)
112	08/31/2006	(437238)
113	08/31/2006	(437272)
114	08/31/2006	(452766)
115	09/19/2006	(520193)

116	09/19/2006	(520195)
117	10/16/2006	(520194)
118	11/03/2006	(516484)
119	11/14/2006	(512177)
120	11/15/2006	(544494)
121	12/18/2006	(544495)
122	12/28/2006	(145783)
123	12/28/2006	(254143)
124	12/28/2006	(26423)
125	12/28/2006	(267063)
126	12/28/2006	(29038)
127	12/28/2006	(340489)
128	02/02/2007	(536089)
129	02/05/2007	(481275)
130	02/15/2007	(544493)
131	03/09/2007	(575283)
132	04/17/2007	(575284)
133	04/21/2007	(454289)
134	04/21/2007	(512224)
135	04/26/2007	(556885)
136	05/17/2007	(575285)
137	06/19/2007	(575286)
138	06/23/2007	(452727)
139	06/25/2007	(555224)
140	07/13/2007	(575287)
141	07/31/2007	(558780)
142	08/14/2007	(544000)
143	08/15/2007	(543999)
144	08/20/2007	(607546)
145	09/17/2007	(607547)
146	10/16/2007	(607548)
147	10/23/2007	(607549)
148	10/24/2007	(594945)
149	11/05/2007	(599015)
150	11/16/2007	(619519)
151	11/28/2007	(601230)
152	12/11/2007	(609847)
153	12/17/2007	(619520)
154	12/21/2007	(635943)
155	01/13/2008	(599244)
156	01/14/2008	(573909)
157	01/25/2008	(619518)
158	02/05/2008	(615311)
159	02/13/2008	(672034)
160	02/20/2008	(615560)
161	02/25/2008	(613440)
162	02/26/2008	(617761)
163	03/17/2008	(672035)
164	04/16/2008	(636445)
165	04/16/2008	(672036)
166	04/28/2008	(636501)
167	04/30/2008	(653708)
168	05/13/2008	(689954)
169	05/15/2008	(669887)
170	05/30/2008	(681425)
171	06/07/2008	(559928)
172	06/11/2008	(689955)
173	07/25/2008	(637867)

174 08/04/2008 (688786)
 175 08/18/2008 (687784)
 176 08/18/2008 (710732)
 177 08/20/2008 (710734)
 178 08/20/2008 (710735)
 179 08/26/2008 (435405)
 180 08/26/2008 (686410)
 181 08/27/2008 (689025)
 182 09/16/2008 (710733)
 183 10/23/2008 (687024)
 184 10/27/2008 (706417)
 185 11/14/2008 (727483)
 186 11/18/2008 (684387)
 187 11/18/2008 (699861)
 188 12/04/2008 (708327)
 189 12/09/2008 (702155)
 190 12/18/2008 (750270)
 191 12/19/2008 (721889)
 192 01/28/2009 (722036)
 193 02/13/2009 (721980)
 194 02/16/2009 (750266)
 195 02/25/2009 (735602)
 196 03/18/2009 (750267)
 197 04/14/2009 (750268)
 198 04/14/2009 (750269)
 199 04/17/2009 (735807)
 200 05/13/2009 (741748)
 201 06/30/2009 (740428)
 202 06/30/2009 (740433)

 203 07/01/2009 (747125)
 204 07/08/2009 (743065)
 205 07/09/2009 (759482)
 206 07/13/2009 (738830)

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

Date: 01/20/2005 (344919) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 115, SubChapter C 115.222(3)
 30 TAC Chapter 115, SubChapter C 115.242(4)
 Description: **Failure to ensure no gasoline leaks exist anywhere on the dispensing equipment or vapor recovery system.**

Date: 01/31/2005 (381860) CN600124051 Classification: Moderate
 Self Report? YES
 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: 02/10/2005 (348671) CN600124051 Classification: Minor
 Self Report? NO
 Citation: OpR 1 PERMIT
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: OpR 1 PERMIT
 Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 04/28/2005 (371586) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, SC XII-13 PERMIT
Description: Failure to maintain the SO2 concentration below the maximum allowable limit.

Date: 12/31/2005 (440830) CN600124051 Classification: Moderate
Self Report? YES
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: 04/17/2006 (454439) Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

Date: 06/30/2006 (468422) CN600124051 Classification: Moderate
Self Report? YES
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: 07/31/2006 (520192) CN600124051 Classification: Moderate
Self Report? YES
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: 02/28/2007 (575283) CN600124051 Classification: Moderate
Self Report? YES
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: 04/27/2007 (556885) CN600124051 Classification: Minor
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Terms and Condition 2F OP
Description: Failure to properly report the initial notification and final report to the regional office for an emissions event (Incident 86816) which occurred from February 1-9, 2007. MIN (3)(C), EIC C3

Date: 06/25/2007 (555224) CN600124051 Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 335, SubChapter F 335.163(1)
30 TAC Chapter 335, SubChapter F 335.163(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(c)
P.P. Il.c.1.m. PERMIT
Description: Failure to provide required locked caps, clearly visible identification numbers, and

bumper guards on MW-5, MW-48, and MW-46.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.164(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(d)
C.P.P. VI.C. !HWPERMTCP
P.P. VI. J PERMIT
Description: Failure to adhere to the sampling frequencies as required by the Sampling
Analysis Plan.

Date: 06/30/2007 (575287) CN600124051
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/15/2007 (571469) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 20 PERMIT
8404, Special Condition 21 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to monitor the pilot flame at the CRU4 Flare.

Date: 08/15/2007 (544000) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
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 GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT

O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 16 PERMIT
8404, Special Condition 56 PERMIT

O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to monitor the pilot flame at the ALKY and HCU flares.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Date: 09/30/2007 (607548) **CN600124051**
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

Date: 12/11/2007 (609847) **CN600124051**
Self Report? NO **Classification:** Minor
Citation: M&RR 3c PERMIT
Description: Failure by Motiva Enterprises LLC. to maintain complete records of calibration.
Self Report? NO **Classification:** Minor
Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO **Classification:** Moderate
Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO **Classification:** Moderate
Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO **Classification:** Minor
Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO **Classification:** Moderate
Citation: PC 2g PERMIT
Description: Failure by Motiva Enterprises LLC. to prevent unauthorized discharges into or adjacent to waters of the state.

Date: 12/21/2007 (635943) **CN600124051**
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/31/2008 (672034) **CN600124051**
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

Date: 05/31/2008 (689955) **CN600124051**
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

Date: 08/26/2008 (686410) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
FOP O-01386, General Terms and Condition OP
Description: Failure to submit a semi-annual deviation report and annual compliance certification (ACC) within the required time-frames.

Date: 10/24/2008 (687024)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

Date: 12/09/2008 (702155)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP
Description: Failure to properly report an emissions event.

Date: 02/13/2009 (721980)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP
Description: Failure to properly report an emissions event (Incident 117334).

F. Environmental audits.

Notice of Intent Date: 11/03/2006 (531086)

No DOV Associated

Notice of Intent Date: 12/15/2006 (536667)

Disclosure Date: 06/14/2007
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)(2)(G)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)
Description: Failure to report tear data to TCEQ. Specifically, the 2006 annual seal inspection for Tank 1904, and Tank 1920, in addition the fabric seal had to be replaced and tank re-inspected 2/22/06.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.115(a)(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)

Description: Failure to comply with seal gap procedure measurements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)

Description: Failure to comply with regulations concerning floating roof tank landings. Specifically for Tank 1553 on 08/08/05, and 08/09/05, and 03/08/06.

Notice of Intent Date: 08/01/2007 (518396)

No DOV Associated

Notice of Intent Date: 10/29/2007 (601277)

No DOV Associated

Notice of Intent Date: 10/29/2007 (601279)

No DOV Associated

Notice of Intent Date: 06/16/2008 (684982)

Disclosure Date: 01/15/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.105

Rqmt Prov: PERMIT 117.123(a)(b)(1) and (2)

Description: Failure to comply with daily and 30-day rolling average NOx emission cap requirements.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 117.123(e)

Description: Failure to comply with Nox emission cap reporting requirements.

Notice of Intent Date: 08/21/2008 (702667)

No DOV Associated

Notice of Intent Date: 05/26/2009 (759315)

No DOV Associated

G. Type of environmental management systems (EMSs).

05/10/2006 05/10/2009 ENVIRONMENTAL MANAGEMENT SYSTEM 30 TAC CERTIFIED

05/10/200605/10/2009ENVIRONMENTAL MANAGEMENT SYSTEM30 TAC CERTIFIED

08/31/2004 12/31/3000 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

Type	Tier	Certification Date
CLEAN TEXAS PROGRAM	LEADER	05/10/2006

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MOTIVA ENTERPRISES LLC
RN100209451

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1043-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 Motiva Enterprises LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum oil refinery at 2100 Houston Avenue in Port Arthur, Jefferson 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 July 3 and 16, 2009 and August 22, 2009.
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 Three Hundred Twelve Thousand Two Hundred Seventy-Two Dollars (\$312,272) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Twenty-Four Thousand Nine Hundred Nine Dollars (\$124,909) of the administrative penalty and Sixty-Two

Thousand Four Hundred Fifty-Four Dollars (\$62,454) 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. One Hundred Twenty-Four Thousand Nine Hundred Nine Dollars (\$124,909) shall be conditionally offset by the Respondent's completion of Supplemental Environmental Projects ("SEPs") as defined in Attachments A, B and C.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Implemented procedures to upgrade the Leak Detection and Repair program and ensure open-ended lines are sealed with a cap, plug, or blind flange on March 19, 2009;
 - b. In response to Incident No. 121864, replaced the gas latching solenoid and implemented procedures for periodic testing of the reboiler steam turbine on April 15, 2009;
 - c. Implemented procedures to ensure monthly monitoring at the Alkylation Unit ("ALKY") cooling tower, emission point number ("EPN"): FKFCCU 1 and 2, on September 25, 2006;
 - d. Implemented procedures to ensure that monthly monitoring is conducted at the Hydrogen Treating Unit ("HTU") No. 3 Cooling Tower, EPN: FKHTU3, on February 28, 2009;
 - e. Installed alarms to indicate high hydrogen sulfide ("H2S") content in the fuel gas, and implemented training of personnel to ensure the H2S content of the fuel gas on a rolling 24-hour basis is maintained at 160 parts per million by volume ("ppmv") on October 6, 2008;
 - f. Implemented procedures to ensure the pilot flame is continuously monitored for Lube Hydrogen Cracking Unit ("LHCU"), HTU No. 4, Fluid Catalytic Cracking Unit ("FCCU") No. 3, and ALKY flares on February 18, 2009;
 - g. Trained personnel for proper monthly monitoring procedures for the gas/vapor service with concentrations over 10,000 ppmv on December 19, 2008;
 - h. Implemented alarm limit revalidation to reflect permit limits on November 20, 2007, to prevent recurrence of nitrogen oxide ("NOx") emissions from the Combustion Turbine Generator No. 34, EPN: SPS3-7, and train personnel on those procedures on November 20, 2007;

- i. Designed procedures to ensure inspections are completed on Drain Identification Nos. 127 and 128 on August 30, 2007;
 - j. Equipped Component Identification Tag No. ("CITN") 010 drain with a plug on August 30, 2007; and
 - k. Revised the reporting procedures to ensure timely submittal of emissions event reports on March 5, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions during Incident No. 121864, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O-01386, General Terms and Conditions ("GTC") and Special Condition ("SC") 16A, and Air Permit No. 8404/Prevention of Significant Deterioration ("PSD")-TX-1062, SC 5, as documented during an investigation conducted on March 26, 2009. Specifically, the March 25, 2009 emissions event resulted from a power outage and fire in the HTU No. 2 Rerun Tower Reboiler Heater, releasing the following unauthorized emissions over seven hours: 1,719.49 pounds ("lbs") of volatile organic compounds ("VOCs"), 3,659.66 lbs of sulfur dioxide ("SO₂"), 225.84 lbs of NO_x, 789.09 lbs of carbon monoxide ("CO"), and 213.6 lbs of H₂S. Since the emissions event could have been avoided through better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
2. Failed to properly seal open-ended lines, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.340, 115.352(4), 116.715(a) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.482-6(a), 60.592(a), 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, and SC Nos. 1A and 16A, Air Permit No. 8404/PSD-TX-1062, SC Nos. 12E, 71, and 73, as documented during an investigation conducted on March 19, 2009. Specifically, during Investigation No. 738830, open-ended lines were documented downstream of the valve with CITN 04396 in the ALKY Unit, CITN 1261 in the LHCU, an untagged valve under CITN 2366 in LHCU, CITN 135915 in HTU No. 4 and CITN 04979 in ALKY were not equipped with a cap, plug or blind flange.

3. Failed to perform monthly drain inspections, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.340, 115.352(4), 116.715(a) and 122.143(4), 40 CFR § 60.682-2(a)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 10, 16A, 71, and 73, as documented during an investigation conducted on March 19, 2009. Specifically, records indicate that monthly inspections were not performed for the following units: FCCU No. 3 and ALKY units for the months of July 2007 through October 2007, Lube Train ("LBTN") for the months of January 2007, February 2007, May 2007 through July 2007 and September 2007 through October 2007, HTU No. 5 for the months of February 2008 through December 2008, and Drain Identification Nos. 127 and 128 for August 2007.
4. Failed to maintain allowable emission limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC 1, as documented during an investigation conducted on March 19, 2009. Specifically, the emissions limit of 0.49 tons per year ("tpy") for VOCs and 0.68 tpy for particulate matter ("PM") was exceeded at the HTU No. 4 Heater No. 2, EPN: SHTU4-2, for the calendar year 2007 by 0.05 tpy for VOCs and 0.06 tpy for PM.
5. Failed to perform monthly monitoring, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, Air Permit No. 8404, SC 7B, as documented during an investigation conducted on March 19, 2009. Specifically, the August 2006 monitoring of the ALKY Cooling Tower EPN: FKFCCU 1 and 2 was not recorded and was required due to the VOC threshold concentration of 2.61 parts per million ("ppm") recorded on July 20, 2006.
6. Failed to perform monthly monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 8404/PSD-TX-1062, SC 31A, as documented during an investigation conducted on March 19, 2009. Specifically, the HTU No. 3 Cooling Tower, EPN: FKHTU3, was not in operation yet the charge rate record indicated feed was being supplied to the unit January 2009 through February 2009 without monitoring.
7. Failed to maintain H2S content of the fuel gas, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.715(a) and 122.143(4), 40 CFR § 60.104(a)(1), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, SC Nos. 1A and 16A, Air Permit No. 8404/PSD-TX-1062, SC Nos. 6 and 71, as documented during an investigation conducted on March 19, 2009. Specifically, the H2S content of the fuel gas is to be maintained at 160 ppmv over three hours with no more than 130 ppmv on a rolling 24-hour basis. The HMVS2 Fuel Gas Drum H2S Continuous Emissions Monitoring Systems ("CEMS") exceeded the limit on average for July 2007 at a rate of 158.5 ppmv, August 2007 at a rate of 198.4 ppmv and September 2007 at a rate of 243.3 ppmv.
8. Failed to continuously monitor pilot flames, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 116.715(a) and 122.143(4), 40 CFR § 60.18(f)(2), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC, SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC Nos. 5B and 71, as documented during an investigation conducted on March 19, 2009. Specifically, it was documented during Investigation No. 738830, that the Respondent had intermittently failed to monitor the pilot flames at the LHCU, HTU No. 4, FCCU No. 3, and ALKY flares from April 2007 through February 2009.

9. Failed to perform monthly monitoring, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (3), 113.340, 116.715(a) and 122.143(4), 40 CFR §§ 60.592(a) and 63.648(a), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC 73, as documented during an investigation conducted on March 19, 2009. Specifically, the Respondent failed to perform monthly monitoring of a valve in gas/vapor service with a concentration greater than 10,000 ppmv from November 1, 2008 to December 19, 2008.
10. Failed to comply with permitted concentration and emission limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4) TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, Air Permit No. 56287, General Condition ("GC") 8 and SC 3, as documented during an investigation conducted on March 19, 2009. Specifically, on November 1, 2007, stack testing data for Combustion Turbine Generator No. 34, EPN: SPS3-7, revealed the NOx limit of 31.80 pounds per hour ("lbs/hr") was exceeded by 6.15 lbs/hr and the NOx concentration was exceeded by 10.3 ppmv at 15 percent oxygen.
11. Failed to report deviations and to accurately certify compliance in the Annual Compliance Certification ("ACC"), in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(1) and (5)(C)(i), (ii), (iii), (iv) and (v), and (5)(D), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01386, GTC and SC 18, as documented during an investigation conducted on March 19, 2009. Specifically, semi-annual deviation reports for the periods ending April 6, 2007, October 6, 2007, April 6, 2008, and October 7, 2008, did not include all instances of deviations and therefore the ACC for those years were not accurately certified.
12. Failed to equip a drain with a plug, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.142(1)(A), 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC Nos. 1A and 16A, and Air Permit No. 8404/PSD-TX-1062, SC 10, as documented during an investigation conducted on March 19, 2009. Specifically, the Respondent failed to equip CITN 010 drain with a plug May 1, 2007 through August 30, 2007.
13. Failed to maintain allowable emission limits of 17.3 lbs/hr for CO, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4) TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, Air Permit No. 6056, GC 8, as documented during an investigation conducted on June 12, 2009. Specifically, Boiler No. 29 exceeded the permitted limit for CO on March 18, 2007 by a calculated average of 33.23 lbs/hr, September 2, 2008 by a calculated average of 8.44 lbs/hr, and May 22, 2008 by a calculated average of 169.92 lbs/hr.
14. Failed to maintain allowable emission limits of 2.3 tpy for VOCs and 8.2 tpy for PM, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, and Air Permit No. 6056, GC 8, as documented during an investigation conducted June 12, 2009. Specifically, in calendar year 2006, the annual emission limit was exceeded for Boiler No. 32 by 4.74 tpy of VOCs and 1.52 tpy of PM, and Boiler No. 33 by 3.42 tpy of VOCs. For the calendar year 2007, the annual emission limit was exceeded in Boiler No. 32 by 5.84 tpy of VOCs and 3.05 tpy of PM, and Boiler No. 33 by 1.61 tpy of VOCs.

15. Failed to conduct performance testing of the Continuous Catalytic Regenerator ("CCR") operations, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 113.780, 116.715(a) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63, Subpart UUU, 63.1567(c)(1) and (b), and 63.157(a), FOP O-01386, GTC and SC 16A, and Air Permit 8404/PSD-TX-1062, SC 73, as documented during an investigation conducted on June 12, 2009. Specifically, initial compliance testing on the Catalytic Reforming Unit No. 4 Caustic Hydrochloric Acid Scrubber was not performed within 150 days after the compliance date of September 8, 2005.
16. Failed to properly report an emissions event, in violation of 30 TEX. ADMIN. CODE §§101.201(b)(1)(C), (D), (G), and (H), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 2F, as documented during an investigation conducted on June 12, 2009. Specifically, the Respondent did not submit an accurate final report for Incident No. 108631. The Respondent failed to accurately identify the FCCU No. 3 Fractionator Relief Valves and the atmospheric vent due to exchanger leak at ALKY Exchanger No. 66, the compound descriptive name of all compounds released during the event, and the respective quantities of the compounds released.
17. Failed to maintain allowable emission limits of 2.5 tpy for VOCs, and 8.9 tpy for PM, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4) TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and SC 16A, Air Permit No. 6056, GC 8, as documented during an investigation conducted on June 12, 2009. Specifically, the annual emission limit for Boiler No. 29 was exceeded for the calendar year 2006 by 2.58 tpy of VOCs and the 0.81 tpy of PM, and for calendar year 2007 by 2.84 tpy of VOCs.

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: Motiva Enterprises LLC, Docket No. 2009-1043-AIR-E" to:

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

2. The Respondent shall implement and complete the SEPs in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Hundred Twenty-Four Thousand Nine Hundred Nine Dollars (\$124,909) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEPs defined in Attachments A, B and C incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreements.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures designed to ensure that monthly inspections are conducted for the FCCU No. 3, ALKY, LBTN, and HTU No. 5 units; and
 - ii. Implement self audit procedures designed to identify all deviations and designed to correctly certify compliance on the ACC;
 - b. Within 45 days after the effective date of this Agreed Order, certify compliance with 3.a. as described below in 3.d.;
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Demonstrate that VOC and PM emission limits for the HTU No. 4 Charger Heater No. 2 are being maintained;
 - ii. Demonstrate that VOC and PM emission limits for Boiler Nos. 29, 32 and 33 are being maintained;
 - iii. Demonstrate that CO emission limit for Boiler No. 29 is being maintained; and
 - iv. Conduct performance testing of the CCR operations at the Catalytic Reforming Unit No. 4 Caustic Hydrochloric Acid Scrubber;
 - d. Within 105 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. 3.c. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 Szallier

For the Executive Director

4/15/2010

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.

Forrest Leuther

Signature

3/1/10

Date

Forrest Leuther

Name (Printed or typed)
Authorized Representative of
Motiva Enterprises LLC

General 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.

Attachment A
Docket Number: 2009-1043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Penalty Amount:	Two Hundred Forty-Nine Thousand Eight Hundred Eighteen Dollars (\$249,818)
SEP Offset Amount:	Ninety-Four Thousand Nine Hundred Nine Dollars (\$94,909)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas PTA – <i>Texas PTA Clean School Buses</i>
Location of SEP:	Texas Air Quality Control Region 106 – Southern Louisiana-Southeast Texas

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Texas PTA for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Ms. Kryss O'Shaughnessy, Director of Finance
Texas PTA
408 W. 11th Street
Austin, Texas 78701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

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

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

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

5. Publicity

Motiva Enterprises LLC
Agreed Order - Attachment A

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Attachment B
Docket Number: 2009-1043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Motiva Enterprises LLC

Payable Penalty Amount: Two Hundred Forty-Nine Thousand Eight Hundred Eighteen Dollars (\$249,818)

SEP Amount: Twenty Thousand Dollars (\$20,000)

Type of SEP: Pre-approved

Third-Party Recipient: Port Arthur Alternative Fuel Vehicle and Equipment Program

Location of SEP: Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the City of Port Arthur to be used for Alternative Fuel Vehicle and Equipment Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. The Performing Party shall: 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. SEP Funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NOx), and other pollutants associated with the combustion of fuel that would have been generated by the older replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

John Johnson
Carl Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Attachment C
Docket Number: 2009-1043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Payable Penalty Amount:	Two Hundred Forty-Nine Thousand Eight Hundred Eighteen Dollars (\$249,818)
SEP Amount:	Ten Thousand Dollars (\$10,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	City of Port Arthur: Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the City of Port Arthur to be used for Port Arthur Building and Infrastructure Energy Efficiency Upgrades Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. The Performing Party shall use SEP Funds to perform energy efficiency upgrades on public buildings and infrastructure. Specifically, SEP Funds may only be used for: 1) the costs of conducting energy efficiency audits; 2) the incremental costs for construction or implementation of energy-efficiency upgrades (versus the costs of non-energy efficiency upgrades); 3) the incremental costs of purchasing of equipment or appliances that are more energy-efficient (versus the costs of purchasing energy efficient equipment or appliances); or 4) other direct costs authorized in advance by TCEQ.

SEP Funds may only be used for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, the Performing Party shall submit a budget and proposal for expenditures to TCEQ for written approval prior to the use of SEP Funds.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter (PM), volatile organic carbon (VOC) compounds, nitrogen oxides (NO_x), and other pollutants associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Steve Fitzgibbons, City Manager
City of Port Arthur
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

Motiva Enterprises LLC
Agreed Order - Attachment C

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

