

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-0028-AIR-E **TCEQ ID:** RN100218130 **CASE NO.:** 38965
RESPONDENT NAME: Houston Refining LP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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: Houston Refining, 12000 Lawndale Street, Houston, Harris County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2010-0211-AIR-E, 2009-1158-AIR-E, 2009-0779-AIR-E, and 2008-1454-AIR-E.</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 June 7, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Robert Gardner, Consulting Engineer, Houston Refining LP, 12000 Lawndale, Houston, Texas 77252; Mr. J.R. Daniel, Operations Manager, Houston Refining LP, 12000 Lawndale, Houston, Texas 77252 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: November 2, 2009</p> <p>Date of NOE Relating to this Case: December 22, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to comply with permitted emissions limits. Specifically, during an emissions event (Incident No. 131133) on October 24, 2009, operations personnel improperly lined up valves in the Butane Recovery Unit, causing the unauthorized release of 5,143 pounds of volatile organic compounds from a pressure safety valve (Emissions Point Number 233-UNIT) over a two minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [New Source Review Flexible Air Permit No. 2167/PSD-TX-985, Special Condition 1, 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$0</p> <p>On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code now pending in the U.S. Bankruptcy Court.</p> <p>(The remaining \$8,000 due pending outcome of bankruptcy proceedings.)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, in order to address the causes that led to the emissions event that occurred on October 24, 2009, implement improvements to operational practices; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p>

Additional ID: Air Account No. HG0048L



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Dec-2009	Screening	6-Jan-2010	EPA Due	
	PCW	15-Jan-2010				

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

CASE INFORMATION			
Enf./Case ID No.	38965	No. of Violations	1
Docket No.	2010-0028-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Terry Murphy
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 419.0% Enhancement Subtotals 2, 3, & 7 \$20,950

Notes: The penalty was enhanced by eight similar and 11 dissimilar NOVs, seven 1660-style and nine findings agreed orders. The penalty was reduced by four NOAs and two DOVs.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$240
Approx. Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$25,950

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$25,950

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,000

DEFERRAL 20.0% Reduction Adjustment -\$2,000

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$8,000

Screening Date 6-Jan-2010

Docket No. 2010-0028-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 38965

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Terry Murphy

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	9	225%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 419%

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

Adjustment Percentage (Subtotal 3) 0%

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

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced by eight similar and 11 dissimilar NOVs, seven 1660-style and nine findings agreed orders. The penalty was reduced by four NOAs and two DOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 419%

Screening Date 6-Jan-2010	Docket No. 2010-0028-AIR-E	PCW
Respondent Houston Refining LP		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 38965		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN100218130		
Media [Statute] Air		
Enf. Coordinator Terry Murphy		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	New Source Review Flexible Air Permit No. 2167/PSD-TX-985, Special Condition 1, 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with permitted emissions limits, as documented during an investigation conducted on November 2, 2009. Specifically, during an emissions event (Incident No. 131133) on October 24, 2009, operations personnel improperly lined up valves in the Butane Recovery Unit, causing the unauthorized release of 5,143 pounds of volatile organic compounds from a pressure safety valve (Emissions Point Number 233-UNIT) over a two minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).	
	Base Penalty	<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
	Actual <input type="text"/> <input checked="" type="text"/> <input type="text"/>	Percent <input type="text" value="50%"/>
	Potential <input type="text"/> <input type="text"/> <input type="text"/>	
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors.	
	Adjustment	<input type="text" value="\$5,000"/>
		<input type="text" value="\$5,000"/>
Violation Events		
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/> Number of violation days
<small>mark only one with an x</small>	daily <input type="text"/>	
	weekly <input type="text"/>	
	monthly <input checked="" type="text"/>	
	quarterly <input type="text"/>	
	semiannual <input type="text"/>	
	annual <input type="text"/>	
	single event <input type="text"/>	
		Violation Base Penalty <input type="text" value="\$5,000"/>
One monthly event is recommended, based on the October 24, 2009 emissions event.		
Good Faith Efforts to Comply	0.0% Reduction	<input type="text" value="\$0"/>
	<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary <input type="text"/>	<input type="text"/>	
Ordinary <input type="text"/>	<input type="text"/>	
N/A <input checked="" type="text"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	<input type="text" value="\$5,000"/>
Economic Benefit (EB) for this violation		
	Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$240"/>	Violation Final Penalty Total <input type="text" value="\$25,950"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$10,000"/>

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 38965
Reg. Ent. Reference No. RN100218130
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<i>No commas or \$</i>							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	24-Oct-2009	1-Jul-2010	0.68	\$11	\$228	\$240
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

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

Avoided Costs	ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000 **TOTAL** \$240

Compliance History Report

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

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0048L
	AIR OPERATING PERMITS	PERMIT	1372
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	78219
	AIR NEW SOURCE PERMITS	PERMIT	2167
	AIR NEW SOURCE PERMITS	PERMIT	31855
	AIR NEW SOURCE PERMITS	PERMIT	36735
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0048L
	AIR NEW SOURCE PERMITS	REGISTRATION	54769
	AIR NEW SOURCE PERMITS	REGISTRATION	55719
	AIR NEW SOURCE PERMITS	REGISTRATION	75388
	AIR NEW SOURCE PERMITS	AIR NUM	4820100040
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX9865
	AIR NEW SOURCE PERMITS	REGISTRATION	71613
	AIR NEW SOURCE PERMITS	REGISTRATION	74743
	AIR NEW SOURCE PERMITS	REGISTRATION	75934
	AIR NEW SOURCE PERMITS	REGISTRATION	78508
	AIR NEW SOURCE PERMITS	REGISTRATION	80893
	AIR NEW SOURCE PERMITS	REGISTRATION	43445
	AIR NEW SOURCE PERMITS	REGISTRATION	46595
	AIR NEW SOURCE PERMITS	REGISTRATION	49878
	AIR NEW SOURCE PERMITS	REGISTRATION	50839
	AIR NEW SOURCE PERMITS	REGISTRATION	53586
	AIR NEW SOURCE PERMITS	REGISTRATION	71380
	AIR NEW SOURCE PERMITS	REGISTRATION	81566
	AIR NEW SOURCE PERMITS	REGISTRATION	85815
	AIR NEW SOURCE PERMITS	REGISTRATION	87937
	AIR NEW SOURCE PERMITS	REGISTRATION	83715
	AIR NEW SOURCE PERMITS	REGISTRATION	84563
	AIR NEW SOURCE PERMITS	REGISTRATION	84606
	WASTEWATER	PERMIT	WQ0000392000
	WASTEWATER	PERMIT	TPDES0003247
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011670
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688979
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50106
	WATER LICENSING	LICENSE	1011570
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50106
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50106
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0048L

Location: 12000 LAWNSDALE ST, HOUSTON, TX, 77017

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 05, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 05, 2005 to January 05, 2010

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

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

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

Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT
Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

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

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to comply with permitted emissions limits.

Classification: Minor

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

Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

Effective Date: 12/15/2005 ADMINORDER 2005-1172-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit No. 2167, SC #1, PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006 ADMINORDER 2005-0754-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)

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

Rqmt Prov: SC 1 PERMIT
Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2005 ADMINORDER 2005-0359-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

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

Rqmt Prov: Flexible Permit #2167, SC #2 PA
Flexible Permit #2167, SC#26 PA

Description: Failed to limit the hydrogen sulfide ("H₂S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Flexible Permit #2157, SC #44B PA

Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)

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

Rqmt Prov: Flexible Permit #2167, SC #2 PA

Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i)

30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: Special Condition 47 PERMIT

Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THC Chapter 382, SubChapter A 382.085(o)

Rqmt Prov: Flexible Permit #2167, SC #14.1 PA
Description: Failed to repair three valves within 15 days of leak detection
Classification: Moderate

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

Rqmt Prov: Flexible Permit #2167, SC #37 PA
Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-1CN and TGU-1CN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.114(a)(1)

30 TAC Chapter 116, SubChapter B 116.114(a)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA
Description: Failed to conduct the required inspections for three storage tanks.

Effective Date: 05/28/2005 ADMINORDER 2005-1085-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 06/15/2005 ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2007 ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions on March 21, 2006.

Effective Date: 08/10/2007 ADMINORDER 2007-0440-AIR-E

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 10,494 pounds ("lbs") of sulfur dioxide, 126 lbs of carbon monoxide and 22 lbs of hydrogen sulfide were released from the Magnaformer Unit and the Sulfur Recovery Complex during an emissions event that began January 4, 2007 and lasted nine hours and 45 minutes.

Classification: Moderate

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

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

Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 1,431 pounds ("lbs") of propane, 510 lbs of propylene and 11 lbs of butenes were released from Unit 234 during an avoidable emissions event that began January 9, 2007 and lasted eight hours.

Classification: Moderate

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

5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, 6,205 pounds of the Highly Reactive Volatile Organic Compound ethylene were released from the Paraxylene Recovery Unit during an avoidable emissions event that began January 16, 2007 and lasted one hour and 55 minutes.

Classification: Minor

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

Description: Failed to properly report the amount of ethylene emissions. Specifically, the final notification reported 7,650 lbs of ethylene were released as a result of the January 16, 2007 emissions event and the investigation determined that the actual emissions released were 8,205 lbs of ethylene.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 189 lbs of propane, 530 lbs of propylene, 821 lbs of butanes, 1,064 lbs of butenes, 3,154 lbs of pentanes, 2,589 lbs of pentenes and 13,734 lbs of C6+ Hazardous Air Pollutants ("HAP") were released from the 732 Fluid Catalytic Cracking Unit ("FCCU") during

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 72 lbs of ethylene, 2,195 lbs of propane, 7,057 lbs of propylene, 11,000 lbs of butanes, 3,990 lbs of butenes, 4,110 lbs of pentanes and 23,328 lbs of C6+ HAPs were released from the 732 FCCU during an avoidable emissions event that began March 5, 2007

Effective Date: 10/04/2007 ADMINORDER 2007-0713-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,830 lbs of SO₂ from the Sulfur Recovery Complex during an avoidable emissions event that began April 3, 2007 and lasted one hour and 30 minutes.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 54,320 lbs of sulfur dioxide, 700 lbs of sulfur trioxide, 598 lbs of hydrogen sulfide, 304 lbs of ammonia and 76 lbs nitric oxide from the Sulfur Recovery Unit during an avoidable emissions event that began April 21, 2007 and lasted 16 hours and 45 minutes.

Classification: Minor

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

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

Effective Date: 12/20/2007 ADMINORDER 2006-1948-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

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

Effective Date: 07/21/2008

ADMINORDER 2007-1654-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter G 116.716(c)
5C THSC Chapter 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 2197, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 10/23/2008

ADMINORDER 2008-0894-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.716(a)
5C THSC Chapter 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 26 PERMIT

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

Effective Date: 11/06/2008

ADMINORDER 2008-0674-MLM-E

Classification: Moderate

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

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

Description: Failed to operate six cooling tower heat exchange system HRVOC analyzers for the minimum 95% of the required operating time from April 1, 2009 through January 31, 2007.

Classification: Minor

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

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

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

Classification: Minor

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

Rqmt Prov: FOP# O-01372, SC #1A OP
FOP# O-01372, SC# 28 CP

NSR Permit # 2167, SC#29 PA

Description: Failed to demonstrate that flares were operated with a continuously operating pilot light. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0006) on September 19, 2005, Plant Flare No. 3 (338K0007) on November 17, 2005, December 1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter D 116.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP # O-01372, SC # 28 OP
FOP # O-01372, SC # 1A OP

NSR Permit # 2167, SC #14E PA

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: FOP # O-01372, SC #29 OP

NSR Permit # 2167, SC # 44B PA

Description: Failed to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid to-gas ratio ("L/G") of 16.0 gallons per 1000 actual cubic feet ("16.0 gal/1000 f3"). Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1000 f3, and the minimum pressure drop fell below 0.91 psi. from May 25 through 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382.382.085(b)

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.116(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(II)
5C THSC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Minor

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.116(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 2B OP
NSR Permit# 2167, SC# 141 & 15H PA

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

Classification: Moderate

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

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-021372, SC# 2B OP
NSR Permit# 2167, SC# 141 & 15H PA

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 2B OP
NSR Permit# 2167, SC# 15F PA

Description: Failed to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006. Specifically, Houston Refining failed to monitor 71 valves on the 133 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the FCCU, and three valves in the 536, 537, and 738 Units from July 1, 2005 through December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.781(b)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to perform initial monitoring of approximately 851 connectors in HRVOC service. Specifically, approximately 350 Black Lake Unit and Propane/Propylene Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 331 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter H 116.781(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter H 116.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to repair three valves and two connectors in HRVOC service within seven days. Specifically, Houston Refining failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 836 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 2B OP
NSR Permit# 2167, SC# 15F PA

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

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

Description: Failed to prevent visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 538 F-1B IDAP failed causing the heater oxygen to fall causing visible smoke from the heater stack.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

FOP #O-01372, SC 1.H.(i) OP

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

Classification: Moderate

Citation: 20 TWC Chapter 28, SubChapter A 28.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EFFLUENT LIMITS PERMIT

Description: Failed to comply with the permitted effluent limits (Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Nos. 1 and 2 for Outfall 002A, and No. 1 for Outfall 003A)

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 2,751 pounds of nitrogen oxide ("NOx") from the Fluid Catalytic Cracking Unit ("FCCU") during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, Houston Refining failed to meet the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during a March 19, 2008 emissions event the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 lbs of sulfur dioxide, 1,802 lbs of VOC, 1,079 lbs of carbon monoxide, 154 lbs of NOx, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met.

Effective Date: 10/31/2009

ADMINORDER 2008-0780-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)

5C THSC Chapter 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.358(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.358(d)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
 40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)
 5C THSC Chapter 382.382.085(b)

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

Effective Date: 12/18/2009

ADMINORDER 2009-0181-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382.382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382.382.085(b)

Rqmt Prov: Special Condition 1 PA

Description: Failed to prevent unauthorized emissions during Incident No. 115083. Specifically, 28,043 lbs of unauthorized sulfur dioxide emissions were released from the Tail Gas Incinerator for 42 hours beginning on October 4, 2008 due to failure of a flow transmitter. Since the Respondent has not demonstrated that the equipment failure was beyond their control, and the event was reported late, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382.382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during incident No. 117127. Specifically, unauthorized emissions of 33,908 lbs of SO2 and 11,158 lbs of volatile organic compounds were released from the Coke Fractionator and Coker Flare for 48 hours beginning on November 26, 2008 due to unstable operating conditions that resulted in a shutdown of the gas compressor. Since the Respondent has not demonstrated that the shutdown was beyond their control and could not have been foreseen and avoided, the d

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	01/18/2005	(391702)	61	05/15/2008	(498013)	121	12/04/2007	(600555)
2	01/28/2005	(345854)	62	06/29/2006	(468901)	122	12/10/2007	(619400)
3	02/02/2005	(347718)	63	06/30/2006	(469140)	123	12/21/2007	(619028)
4	02/15/2005	(351700)	64	07/17/2006	(485790)	124	01/15/2008	(612806)
5	03/16/2005	(347627)	65	07/26/2006	(520028)	125	01/19/2008	(671905)
6	03/21/2005	(381701)	66	07/28/2006	(483199)	126	01/18/2008	(603373)
7	03/29/2005	(375273)	67	08/08/2006	(489220)	127	01/25/2008	(613320)
8	04/14/2005	(372754)	68	08/11/2006	(520030)	128	01/28/2008	(616032)
9	04/14/2005	(378977)	69	08/18/2006	(388831)	129	01/29/2008	(611285)
10	04/18/2005	(419493)	70	09/11/2006	(489202)	130	02/11/2008	(671904)
11	04/19/2005	(378798)	71	09/11/2006	(574927)	131	03/03/2008	(616148)
12	04/22/2005	(349552)	72	10/06/2006	(489212)	132	03/24/2008	(689825)
13	05/02/2005	(372107)	73	10/12/2006	(544276)			
14	05/03/2005	(376226)						
15	05/20/2005	(381185)	75	11/21/2006	(544277)	133	04/07/2008	(617770)
16	05/24/2005	(419494)	76	12/11/2006	(674928)	135	04/14/2008	(689826)
17	05/25/2005	(379525)	77	01/08/2007	(574929)	136	04/22/2008	(639560)
18	05/26/2005	(337173)	78	01/09/2007	(532009)	137	04/22/2008	(640570)
19	05/26/2005	(349891)	79	01/25/2007	(512685)	138	05/15/2008	(689827)
20	06/07/2005	(395018)	80	02/02/2007	(435323)	139	05/30/2008	(670818)
21	06/20/2005	(419495)	81	02/02/2007	(511662)	140	06/23/2008	(710583)
22	06/21/2005	(379593)	82	02/05/2007	(596478)	141	07/11/2008	(710584)
23	07/07/2005	(379524)	83	02/08/2007	(512678)	142	08/14/2008	(710585)
24	07/22/2005	(400281)	84	02/16/2007	(574922)	143	08/18/2008	(689930)
25	07/25/2005	(419496)	85	02/22/2007	(510814)	144	08/22/2008	(68646)
26	08/15/2005	(404916)	86	02/23/2007	(511980)	145	08/27/2008	(687046)
27	08/18/2005	(404331)	87	03/18/2007	(574923)	146	08/27/2008	(687290)
28	08/18/2005	(404363)	88	03/21/2007	(539188)	147	09/09/2008	(701172)
29	08/24/2005	(405556)	89	03/21/2007	(539192)	148	09/23/2008	(710586)
30	08/24/2005	(405604)	90	03/21/2007	(539194)	149	10/08/2008	(702275)
31	08/24/2005	(440650)	91	04/04/2007	(554793)	150	10/23/2008	(710587)
32	08/25/2005	(404773)	92	04/04/2007	(554805)	151	10/29/2008	(686547)
33	08/19/2005	(440851)	93	04/13/2007	(574924)	152	11/17/2008	(727381)
34	10/10/2005	(431755)	94	04/20/2007	(566941)	153	11/26/2008	(709085)
35	10/10/2005	(465144)	95	04/24/2007	(567537)	154	12/03/2008	(709767)
36	10/28/2005	(432450)	96	04/30/2007	(554366)	155	12/15/2008	(721107)
37	10/31/2005	(432333)	97	05/04/2007	(556720)	156	12/15/2008	(727382)
						157	01/12/2009	(750119)

38	11/07/2005	(468145)	98	05/09/2007	(654989)	158	02/04/2009	(709615)
39	11/23/2005	(465308)	99	05/19/2007	(674925)	159	02/04/2009	(721393)
40	12/02/2005	(431511)	100	05/29/2007	(659572)	160	02/19/2009	(750118)
41	12/28/2005	(434541)	101	06/14/2007	(674928)	161	03/16/2009	(738275)
42	01/19/2006	(468149)	102	07/03/2007	(603761)	162	03/17/2009	(768268)
43	02/01/2006	(468142)	103	07/12/2007	(619397)	163	03/25/2009	(737507)
44	02/25/2006	(466998)	104	07/20/2007	(661274)	164	03/26/2009	(737734)
45	02/26/2006	(457004)	105	07/25/2007	(668621)	165	04/13/2009	(768259)
46	02/26/2006	(457020)	106	08/13/2007	(601490)	166	04/28/2009	(703271)
47	02/28/2006	(457235)	107	08/17/2007	(670266)	167	05/12/2009	(741579)
48	03/17/2006	(466143)	108	08/23/2007	(670387)	168	05/14/2009	(743937)
49	04/10/2006	(498011)	109	08/28/2007	(670395)	169	05/21/2009	(705709)
50	04/20/2006	(437388)	110	09/07/2007	(673978)	170	05/21/2009	(766260)
51	04/27/2006	(439800)	111	09/14/2007	(601481)	171	06/23/2009	(744719)
52	05/10/2006	(498012)	112	09/27/2007	(696742)	172	07/02/2009	(700296)
53	05/31/2006	(480484)	113	10/08/2007	(619398)	173	07/10/2009	(748269)
54	05/31/2006	(480500)	114	10/10/2007	(694976)	174	07/17/2009	(760007)
55	05/31/2006	(480503)	115	10/17/2007	(667541)	175	07/30/2009	(763485)
56	05/31/2006	(480504)	116	10/18/2007	(668919)	176	08/11/2009	(741080)
57	05/31/2006	(480506)	117	10/19/2007	(699478)	177	08/14/2009	(764397)
58	06/14/2006	(479843)	118	10/26/2007	(696178)	178	09/02/2009	(741085)
59	06/15/2006	(481558)	119	11/06/2007	(619399)	179	10/23/2009	(760558)
60	06/15/2006	(481316)	120	11/09/2007	(699574)	180	11/23/2009	(767400)
						181	12/22/2009	(782878)

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

Date:	05/02/2005	(372137)	CN601313083
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(10) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.		
Date:	05/28/2005	(379526)	CN601313083
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to control knockout pot level on south compressor.		
Date:	07/06/2005	(379524)	CN601313083
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b) Special Condition 15E PERMIT		
Description:	Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 814862.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6 5C THC Chapter 382, SubChapter A 382.085(b) Special Condition 16E PERMIT		
Description:	Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.		
Date:	07/31/2005	(440650)	CN601313083
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26.26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/13/2006	(479843)	CN601313083
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b) TCEQ Flexible Permit #2167, SC #1 PERMIT		
Description:	Lyondell failed to prevent the "Y Train" from overpressuring.		
Date:	06/30/2006	(520029)	CN601313083
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26.26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	07/31/2006	(520030)	CN601313083
Self Report?	YES		Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26.26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/01/2006	(483199)	CN601313083
Self Report?	NO		Classification: Moderate
Citation:	2167 and PSD-TX-985, SC 15E PA 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter D 116.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
Description:	Failure to cap/plug open-ended line		
Self Report?	NO		Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

Description: Leaking plug associated with valve #802412

Self Report? NO **Classification:** Moderate

Citation: 2167 and PSD-TX-985, SC 15F PA
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter G 116.715(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Description: Failure to monitor valves

Date: 08/09/2006 (489220)

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Flexible Permit #2167, SC#1 PERMIT

Description: Failure to prevent the disconnection of a pressure indication instrument.

Date: 08/18/2006 (396831) **CN601313083**

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Flexible Permit No. 2167, SC #1, PERMIT

Description: The RE failed to prevent unauthorized emissions from a leaking pipe.

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

Self Report? YES **Classification:** Moderate

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

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

Date: 08/31/2007 (601401) **CN601313083**

Self Report? YES **Classification:** Moderate

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

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

Date: 09/30/2007 (619398) **CN601313083**

Self Report? YES **Classification:** Moderate

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

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

Date: 02/28/2008 (689825) **CN601313083**

Self Report? YES **Classification:** Moderate

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

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

Date: 11/26/2008 (709095) **CN601313083**

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 06/30/2008 PERMIT

Description: Failure to present an affirmative defense for the unauthorized emissions associated with incident #114224, which was caused by external corrosion on a dead leg pipe, resulting in butane / butane emissions from a pinhole leak.

Date: 11/30/2008 (727382) **CN601313083**

Self Report? YES **Classification:** Moderate

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

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

Date: 04/29/2009 (703271) **CN601313083**

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 28 PA
 STC 28 OP

Description: Failed to meet the 3-hour H2S limit at the fuel gas mixing pot 338D0408 on 24 instances from January 20 through June 17, 2008. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failed to meet the hourly CO concentration limit at the Fluid Catalytic Cracking Unit (FCCU) Wet Gas Scrubber (WGS) 732D0053 on 38 instances from July 2, 2007 through February 23, 2008. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 32 PA
 STC 28 OP

Description: Failed to meet the hourly CO concentration limit at the thermal oxidizer 440F2002 for 3 hours on October 31, 2007. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
 5C THSC Chapter 382 382.085(b)
 SC 37 PA
 STC 1A OP

STC 28 OP
 Description: Failed to meet the hourly SO2 concentration limit at the thermal oxidizer 435F1402 on 36 instances from August 6, 2007 through May 26, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382.382.085(b)
 STC 1 J (i) OP

Description: Failed to operate 3 heaters within the allowable HRVOC operating limits from July 1 through January 7, 2007 and again from January 7 through March 14, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382.382.085(b)
 STC 1 J (j) OP

Description: Failed to take a sample at the Houston Street Flare 338K005 when the HRVOC analyzer was offline for approximately 24 hours from November 2 through November 3, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 115, SubChapter H 115.764(b)(6)
 5C THSC Chapter 382.382.085(b)

Description: Failed to catch a sample when the HRVOC analyzer at cooling tower 736CT3701 was out-of-order for 24 hours from August 12 through August 13, 2007, and failed to complete and record lab analysis on sample caught when the HRVOC analyzer in cooling tower 736CT3701 was out-of-order for more than 24 hours from May 30 through June 2, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Moderate
 Citation: 2167 SC 258 PA
 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 115, SubChapter H 115.764(b)(6)
 5C THSC Chapter 382.382.085(b)

Description: Failed to complete the semi-annual calibration required by TCEQ HRVOC Cooling Tower Guidance (Appendix P) on the strippable air rotameter, water rotameter, and temperature meter on the strippable VOC analyzer on cooling towers 732CT3701, 233CT3701, 343CT3701, 430CT3701, 430CT3791, 533CT3701, 538CT3701, 537CT3701, 635CT3701, 637CT3701, 732CT3701, 736CT3701, 737CT3701. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
 30 TAC Chapter 115, SubChapter H 115.726(c)(4)
 30 TAC Chapter 115, SubChapter H 115.786(a)(2)
 5C THSC Chapter 382.382.085(b)

Description: Failed to keep some of the records required for calibration of HRVOC meters on some PSVs, cooling tower flow meters, and some flare purges from January 1 through June 30, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 115, SubChapter H 115.782(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
 5C THSC Chapter 382.382.085(b)

Description: Failed to meet the first attempt requirements for 4 connectors in HAP, VOC, and HRVOC service at 732-UNIT, 934-UNIT, and 940-UNIT; the leaking connectors were discovered on July 19, 2007 but did not receive first attempt until 6 days later on July 25, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
 5C THSC Chapter 382.382.085(b)
 STC 1A OP

Description: Failed to meet the first attempt requirements for 1 leaking valve (Tag # 703911) in HAP service at the 933-UNIT; the leaking valve was discovered on July 26, 2007 but did not receive first attempt as required due to an abnormality in the fugitive component database. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
 5C THSC Chapter 382.382.085(b)
 STC 1A OP

Description: Failed to meet the first attempt requirements for 1 leaking plug (Tag # 1483.1) in HAP service at the 137-UNIT; the leaking plug was discovered on December 31, 2007 and was monitored and repaired 12 days later. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 115, SubChapter H 115.781(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.462-2(a)
 5C THSC Chapter 382.382.085(b)
 SC 15G PA
 STC 1A OP
 STC 28 OP

Description: Failed to monitor 1 pump (234P002B) in VOC and HRVOC service at the 234-UNIT service which had been taken out of service and removed from fugitive monitoring database on July 1, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)
 5C THSC Chapter 382 382.085(b)
 SC 15G PA
 STC 1A OP
 STC 28 OP

Description: Failed to monitor 1 pump (732P0037A) in VOC service at the 732-UNIT service which had been taken out of service and removed from fugitive monitoring database on July 1, 2007. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 18 PA
 SC 19A PA
 STC 28 OP

Description: Failed to conduct NH3 and H2S AVO walkthroughs from October 15 through December 26, 2007. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.763(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.243-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(b)
 5C THSC Chapter 382 382.085(b)
 SC 14E PA
 SC 16E PA
 STC 1A OP
 STC 28 OP

Description: Failed to cap open-ended lines. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)(1)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failed to meet the control requirements at atmospheric tank 613 at the 134-UNIT when the vapor pressure of storage material exceeded 11 psia from July 12 through August 16, 2007. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart G 63.119(c)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failed to meet the control requirements for tank 137TK0003 when the roof vent was not repaired from March 24 through April 24, 2008. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.340(a)(1)(i)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failed to maintain Benzene NESHAP strippers' bottoms temperature within the allowable limits for 3 hours on December 15, 2007. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failed to conduct inspections on primary and secondary condensers at Lift Stations #6 (438TK0001) and #7 (137TK0006) from July 1 through December 31, 2007. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2
 5C THSC Chapter 382 382.085(b)
 STC 13B OP

Description: Failed to document inspections required by NSPS QQQ when the required initial inspections required under NSPS QQQ were not completed within 60 days of putting 538-UNIT equipment in service on March 21, 2008. FOP O-1372; NSR 2167

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 44B PA
 STC 28 OP

Description: Failed to meet the pressure differential limits on the FCCU wet gas scrubber 732D0063 when the pressure drop across the scrubber dropped below the minimum limit of 0.81 psia from June 1, 2007 through December 31, 2007 and again from May 9, 2008 through June 12, 2008. FOP O-01372; NSR 2167

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 27 PA
 STC 28 OP
 STC 3A OP

Description: Failed to meet the opacity limit of heaters 735F0007A, 735F0007B when the heater 735F007 smoked for more than 6 minutes from 14:20 to 14:55 on March 26, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 1E OP

Description: Failed to revise Title V permit by June 15, 2007 to include 5 internal combustion engines to codify the applicable requirements of 40 CFR 63 Subpart ZZZZ (RICE MACT). FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.244(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 7F OP

Description: Failed to conduct the required monthly inspections at the tank 361TK0002 for May, June, and July 2007. HRO did not maintain the Stage II vapor recovery system in proper operating condition, as required. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

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

Description: Failed to report all deviations when all deviations that occurred in the previous Title V reporting period were not reported as required. HRO reported that there were 3 deviations that should have been reported in the second half of 2007 Title V deviation report but due to a program error these events were left off of the deviation report and were subsequently reported in the deviation report for the first half of 2008. FOP O-1372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failed to conduct NOWCO engine testing as required on engines 035P1904 and 035P1905 from June 1 through September 20, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
STC 12F OP

Description: Failed to adjust SO2 analyzer on the thermal oxidizer 440F2002 from January 1, 2008 at 9:00 until January 2, 2008 at 13:30 when zero drift was exceeded 4 times the allowable limit. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 43 PA
STC 28 OP

Description: Failed to test cokes stockpile at the 737 Unit for moisture. A sample that was taken on June 23, 2008 was not sent for analysis. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 36 OP

Description: Failed to meet all Risk Management Plan (RMP) requirements from January 1 through June 30, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)
STC 12F OP

Description: Failed to use proper concentration of drift calibration gas for oxygen at thermal oxidizer 435F1402 from January 9 through March 6, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(3)
5C THSC Chapter 382 382.085(b)
STC 18A OP

Description: Failed to complete the repair of 4 drains (930-BNS, 931-BNS, 932-BNS, and 940-BNS) identified during the quarterly inspections from April 1 through April 26, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 115, SubChapter H 115.764(b)(3)
5C THSC Chapter 382 382.085(b)

Description: Failed to operate the monitoring systems on cooling towers 233CT3701, 343CT3701, 634CT3701, 732CT3701, 736CT3701, and 737CT3701 95% of the time from June 1 to December 31, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)
5C THSC Chapter 382 382.085(b)

Description: Failed to operate the monitoring systems on flare systems 338K0001, 338K0002, 338K0005, 338K0007, 338K0008, and, 736K0101A 95% of the time from June 1 to December 31, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63 SubChapter C, PT 63, SubPT H 63.168(b)
5C THSC Chapter 382 382.085(b)
NSR 2167 SC 15F PERMIT
STC 1A OP
STC 28 OP

Description: Failed to monitor 66 valves in VOC and HAP service at the 633-UNIT when it was

discovered on February 6, 2008 that these components were not monitored. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
NSR 2167 SC 15G PERMIT
STC 1A OP
STC 28 OP
Description: Failed to monitor 2 pumps in VOC and HAP service at the 693-UNIT when it was discovered on February 6, 2008 that these components were not monitored. FOP O-01372; NSR 2167

Date: 04/30/2009 (768250) CN601313083

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 11/23/2009 (767400) CN601313083

Self Report? NO Classification: Minor
Citation: 2167, SC 14E PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP
Description: Failure to plug/cap all open ended lines in VOC and HRVOC services (C16).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(h)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-01372 OP
Description: Failure to complete visual inspection of the primary seals, slotted membranes, and sleeve seals of storage tanks.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(e)(2)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP
Description: Failure to complete first repair attempt on a leaking plug in xylene service within five days.

Self Report? NO Classification: Minor
Citation: 2167, SC 25B PERMIT
30 TAC Chapter 115, SubChapter H 115.784(a)(6)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP
Description: Failure to complete semiannual calibration on the strippable VOC analyzers for cooling towers.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP
Description: Failure to use proper concentration of drift calibration gas.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP
Description: Failure to adjust analyzer within 24-hour when zero drift exceeded the limits.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(3)
5C THSC Chapter 382 382.085(b)
O-01372, SC 13B OP
Description: Failure to complete and document the required initial regulatory individual sewer hub inspection within 30 days.

Self Report? NO Classification: Minor
Citation: 2167, SC 15F PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter H 115.781(b)(8)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP
Description: Failure to monitor valves and pumps in HRVOC and VOC service.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP
Description: Failure to operate a heater at the minimum hourly oxygen operating limit established during the emissions test.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.784(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

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

Description: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP
Failure to meet dP (delta pressure or pressure drop) limit.
Self Report? NO Classification: Minor
Citation: 2167, SC 27 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP

Description: Failure to comply with the permitted opacity limit.
Self Report? NO Classification: Minor
Citation: 2167, SC 43 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 28 OP

Description: Failure to test a coke stockpile for moisture.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to repair drains in benzene service within 15 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)
30 TAC Chapter 115, SubChapter H 115.725(c)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01372, SC 1A OP

Description: Failure to maintain calibration records on HRVOC meters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01372, SC OP

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

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

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

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

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

F. Environmental audits.

Notice of Intent Date: 08/15/2007 (574133)
No DCV Associated

Notice of Intent Date: 09/05/2007 (595042)

Disclosure Date: 02/13/2008

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

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

Disclosure Date: 04/03/2008

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

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

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

No DOV Associated

Notice of Intent Date: 09/10/2008 (598156)

Disclosure Date: 08/11/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)

Description: Failure to monitor 547 difficult to monitor connectors in HRVOC service annually.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HOUSTON REFINING LP
RN100218130

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

ff

AGREED ORDER DOCKET NO. 2010-0028-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 Houston Refining LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 12000 Lawndale Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 December 27, 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 Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). On or about January 6, 2009, the Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of

the United States Code now pending in the U.S. Bankruptcy Court for the Southern District of New York. Debtor remains as a debtor in possession and no trustee or examiner has been appointed. The Automatic Stay imposed by the Federal Bankruptcy Code [specifically, 11 USC § 362(a)] does not apply to the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power, by virtue of the exception set out at 11 USC § 362(b)(4). Accordingly, TCEQ [a governmental unit as defined under 11 USC § 101 (27)] is expressly excepted from the automatic stay in pursuing enforcement of the State's Environmental Protection Laws, and in seeking to liquidate its damages for such violations. These violations having been incurred post-petition are entitled to be treated as an administrative expense priority for purposes of the claims hierarchy of payment from the bankruptcy estate. So long as the Debtor's bankruptcy proceedings are pending and/or until relief from the automatic stay is granted, the TCEQ will, however, not seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where the Debtor's bankruptcy case is pending as necessary, after consultation with the Office of the Attorney General. Two Thousand Dollars (\$2,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. Any 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 upon approval by the bankruptcy court.

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 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.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with permitted emissions limits, in violation of New Source Review Flexible Air Permit No. 2167/PSD-TX-985, Special Condition 1, 30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 2, 2009. Specifically, during an emissions event (Incident No. 131133) on October 24, 2009, operations personnel improperly lined up valves in the Butane Recovery Unit, causing the unauthorized release of 5,143 pounds of volatile organic compounds from a pressure safety valve (Emissions Point Number 233-UNIT) over a two minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

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 be assessed an administrative penalty as set forth in Section I, Paragraph 6 above. The assessment 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. However, the agreement by the Respondent to the assessment of a penalty is expressly not in lieu of or an alternative to compliance with all injunctive requirements in this Agreed order. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments when paid shall be made payable to "TCEQ" and sent with the notation "Re: Houston Refining LP, Docket No. 2010-0028-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, in order to address the causes that led to the emissions event that occurred on October 24, 2009, implement improvements to operational practices; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry

of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted

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

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szallie
For the Executive Director

5/7/2010
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 is materially relying on such representation.

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

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

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

J.R. Daniel
Signature

3/25/10
Date

J.R. Daniel
Name (Printed or typed)
Authorized Representative of
Houston Refining LP

Operations Manager
Title

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