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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1514-AIR-E **TCEQ ID:** RN100209451 **CASE NO.:** 40397
RESPONDENT NAME: Motiva Enterprises LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Port Arthur Refinery, 2100 Houston Avenue, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Petroleum oil refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 21, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Forrest Lauher, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641 Mr. Harry B. Hartman, Environmental Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 10, 2010</p> <p>Date of NOV/NOE Relating to this Case: August 26, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>1) Failed to comply with the hourly allowable emissions rate. Specifically, from September 13, 2009 to December 25, 2009, the Respondent exceeded the volatile organic compounds ("VOCs") certified hourly emission rate of 0.144 pounds per hour ("lbs/hr") limit on nine occasions at the West American Petroleum Institute ("API") Separator Thermal Oxidizer, Emission Point Number ("EPN") APISEPFPE, resulting in the release of 25.28 lbs of VOCs [30 TEX. ADMIN. CODE §§ 106.6(b) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit-by-Rule Registration No. 77922, and Federal Operating Permit ("FOP") O-01386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 16A].</p> <p>2) Failed to comply with the hourly allowable emissions rate. Specifically, from February 19, 2009 to December 31, 2009, the hourly emission rate of 39.36 lbs/hr of nitrogen oxide ("NOx") for 289 hrs, and 54.02 lbs/hr of carbon monoxide ("CO") for 325 hrs at the Vacuum Pipe Seal ("VPS") 4 Combined Heater Stack, EPN SVPS4-7, resulting in the release of 1,067 lbs of NOx and 14,711 lbs of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, Special Condition</p>	<p>Total Assessed: \$85,125</p> <p>Total Deferred: \$17,025 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$34,050</p> <p>Total Paid to General Revenue: \$34,050</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Conducted training of personnel at the CRU on the operation of heaters and maintaining compliance with the CO permitted emissions rates on May 27, 2010; and</p> <p>b. Conducted training of personnel at the VPS 2 on the operation of heaters and maintaining compliance with the CO permitted emissions rates on May 27, 2010.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, conduct an engineering study to determine a permanent solution to ensure the VOC emission rates are maintained at the West API Separator Thermal Oxidizer;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance for Ordering Provision a.;</p> <p>c. Within 90 days after the effective date of this Agreed Order, replace malfunctioning burners and train personnel to ensure the NOx and CO emissions rates at VPS4 comply with permitted emission rates of Flexible Permit Nos. 8404 and PSD-TX-1062;</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit certification of compliance for Ordering Provision c.;</p>

<p>3) Failed to comply with the hourly allowable emissions rate. Specifically, from January 15, 2009 to October 8, 2009, the Respondent exceeded the hourly emission rate of 55.85 lbs/hr of CO for 14 hours at the Catalytic Reforming Unit ("CRU") 4 Combined Heater Stack, EPN SCR4-1, resulting in the release of 717.16 lbs of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, SC 1].</p> <p>4) Failed to comply with the hourly allowable emissions rate. Specifically, from March 17, 2009 to June 30, 2009, the Respondent exceeded the hourly emission rate of 23.92 lbs/hr of CO for 17 hours at the VPS2 Combined Heater Stack, EPN SVPS2-1, resulting in the release of 125.35 lbs of CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, SC 1].</p>		<p>e. Within 365 days after the effective date of this Agreed Order, implement measures designed to ensure the VOC emissions rates at the West API Separator Thermal Oxidizer comply with the certified emissions rates of Permit-by-Rule Registration No. 77922; and</p> <p>f. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): Air Account JE0095D

Attachment A
Docket Number: 2010-1514-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Motiva Enterprises LLC

Payable Penalty Amount: Sixty-Eight Thousand One Hundred Dollars
(\$68,100)

SEP Amount: Thirty-Four Thousand Fifty Dollars (\$34,050)

Type of SEP: Pre-approved

Third-Party Recipient: City of Port Arthur: Port Arthur Building and
Infrastructure Energy Efficiency Upgrades Program

Location of SEP: Jefferson County

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	30-Aug-2010	Screening	10-Sep-2010	EPA Due	
	PCW	12-Oct-2010				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	40397	No. of Violations	4
Docket No.	2010-1514-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Benoit
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$25,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **253.0%** Enhancement **Subtotals 2, 3, & 7** **\$63,250**

Notes
Enhancement for four NOVs with same/similar violations, 21 NOVs with dissimilar violations, six orders containing a denial of liability and four orders without a denial of liability. Reduction for nine notices of intended audits, five disclosures of violations and an environmental management system in place for one year or more.

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** **\$3,125**

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

Total EB Amounts **\$450**
Approx. Cost of Compliance **\$6,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$85,125**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$85,125**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$85,125**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$17,025**

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 **\$68,100**

Screening Date: 10-Sep-2010

Docket No. 2010-1514-AIR-E

PCW

Respondent: Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 40397

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute]: Air

Enf. Coordinator: Audra Benoit

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	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	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	9	-9%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	5	-10%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	Yes	-10%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	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) 253%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, 21 NOVs with dissimilar violations, six orders containing a denial of liability and four orders without a denial of liability. Reduction for nine notices of intended audits, five disclosures of violations and an environmental management system in place for one year or more.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 253%

Screening Date 10-Sep-2010

Docket No. 2010-1514-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 40397

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 106.6(b) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Permit-by-Rule Registration No. 77922, and Federal Operating Permit ("FOP") O-01386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 16A

Violation Description

Failed to comply with the hourly allowable emissions rate. Specifically, from September 13, 2009 to December 25, 2009, the Respondent exceeded the volatile organic compounds ("VOCs") certified hourly emission rate of 0.144 lbs/hr limit on nine occasions at the West American Petroleum Institute ("API") Separator Thermal Oxidizer, EPN APISEPFE, resulting in the release of 25.28 lbs of VOCs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 9 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended for the quarter in which the violation occurred.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$106

Violation Final Penalty Total \$8,825

This violation Final Assessed Penalty (adjusted for limits) \$8,825

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC
Case ID No.: 40397
Reg. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	13-Sep-2009	28-Feb-2011	1.46	\$110	n/a	\$110

Notes for DELAYED costs

Estimated costs to conduct an engineering study to ensure compliance with the VOC hourly emissions rate. The date required is the initial date of the violation. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$110
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Screening Date 10-Sep-2010

Docket No. 2010-1514-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 40397

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, Special Condition ("SC") 1

Violation Description

Failed to comply with the hourly allowable emissions rate. Specifically, from February 19, 2009 to December 31, 2009, the hourly emission rate of 39.36 lbs/hr of nitrogen oxide ("NOx") for 289 hrs, and 54.02 lbs/hr of CO for 325 hrs at the VPS4 Combined Heater Stack, EPN SVPS4-7, resulting in the release of 1,067 lbs of NOx and 14,711 lbs of CO.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

315 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended for the quarters during which the violation occurred.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$152

Violation Final Penalty Total \$35,300

This violation Final Assessed Penalty (adjusted for limits) \$35,300

Economic Benefit Worksheet

Respondent: Motlva Enterprises LLC
Case ID No.: 40397
Req. Ent. Reference No.: RN100209451
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Feb-2009	28-Feb-2011	2.02	\$152	n/a	\$152

Notes for DELAYED costs

Estimated costs to replace malfunctioning burners and train personnel to ensure compliance with NOx and CO emissions rates at VPS4. The date required is the initial date of the violation. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$152

Screening Date 10-Sep-2010

Docket No. 2010-1514-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 40397

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, SC 1

Violation Description

Failed to comply with the hourly allowable emissions rate. Specifically, from January 15, 2009 to October 8, 2009, the Respondent exceeded the hourly emission rate of 55.85 lbs/hr of CO for 14 hours at the CRU4 Combined Heater Stack, EPN SCR04-1, resulting in the release of 717.16 lbs of CO.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release Major Moderate Minor

Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification Major Moderate Minor

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Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

266 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended for the quarters during which the violations occurred.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

The Respondent completed corrective actions for this violation on May 27, 2010, prior to the August 26, 2010 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$102

Violation Final Penalty Total \$24,600

This violation Final Assessed Penalty (adjusted for limits) \$24,600

Economic Benefit Worksheet

Respondent: Motiva Enterprises LLC

Case ID No.: 40397

Reg. Ent. Reference No.: RN100209451

Media: Air

Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Jan-2009	27-May-2010	1.36	\$102	n/a	\$102

Notes for DELAYED costs

Estimated costs to conduct training for operators at the CRU4 on the operation of heaters and maintaining compliance with the CO emissions rates. The date required is the initial date of the violation. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$102

Screening Date 10-Sep-2010

Docket No. 2010-1514-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 40397

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Audra Benolt

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, SC 1

Violation Description

Failed to comply with the hourly allowable emissions rate. Specifically, from March 17, 2009 to June 30, 2009, the Respondent exceeded the hourly emission rate of 23.92 lbs/hr of CO for 17 hours at the VPS2 Combined Heater Stack, EPN SVPS2-1, resulting in the release of 125.35 lbs of CO.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

105 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended for the quarters during which the violation occurred.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed corrective actions for this violation on May 27, 2010, prior to the August 26, 2010 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$90

Violation Final Penalty Total \$16,400

This violation Final Assessed Penalty (adjusted for limits) \$16,400

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 40397
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	17-Mar-2009	27-May-2010	1.19	\$90	n/a	\$90

Notes for DELAYED costs

Estimated costs to conduct training for operators at the VSP2 on the operation of heaters and maintaining compliance with the CO emissions rate. The date required is the initial date of the violation. The final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$90

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600124051 Motiva Enterprises LLC	Classification: AVERAGE	Rating: 2.79
Regulated Entity:	RN100209451 PORT ARTHUR REFINERY	Classification: AVERAGE	Site Rating: 14.43

ID Number(s):			
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	57808
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0095D
	AIR OPERATING PERMITS	PERMIT	1386
	AIR OPERATING PERMITS	PERMIT	3387
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008097529
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30121
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50188
	WASTEWATER	PERMIT	WQ0000414000
	WASTEWATER	EPA ID	TX0005835
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230079
	AIR NEW SOURCE PERMITS	REGISTRATION	92603
	AIR NEW SOURCE PERMITS	REGISTRATION	92158
	AIR NEW SOURCE PERMITS	REGISTRATION	48503
	AIR NEW SOURCE PERMITS	REGISTRATION	48504
	AIR NEW SOURCE PERMITS	REGISTRATION	48505
	AIR NEW SOURCE PERMITS	REGISTRATION	48506
	AIR NEW SOURCE PERMITS	REGISTRATION	49372
	AIR NEW SOURCE PERMITS	REGISTRATION	49332
	AIR NEW SOURCE PERMITS	REGISTRATION	49333
	AIR NEW SOURCE PERMITS	REGISTRATION	49480
	AIR NEW SOURCE PERMITS	REGISTRATION	49477
	AIR NEW SOURCE PERMITS	REGISTRATION	49478
	AIR NEW SOURCE PERMITS	REGISTRATION	49912
	AIR NEW SOURCE PERMITS	REGISTRATION	50157
	AIR NEW SOURCE PERMITS	REGISTRATION	50158
	AIR NEW SOURCE PERMITS	REGISTRATION	50299
	AIR NEW SOURCE PERMITS	PERMIT	3415
	AIR NEW SOURCE PERMITS	PERMIT	6056
	AIR NEW SOURCE PERMITS	PERMIT	7160
	AIR NEW SOURCE PERMITS	PERMIT	7304
	AIR NEW SOURCE PERMITS	PERMIT	8210
	AIR NEW SOURCE PERMITS	PERMIT	8404
	AIR NEW SOURCE PERMITS	PERMIT	9244

AIR NEW SOURCE PERMITS	REGISTRATION	23689
AIR NEW SOURCE PERMITS	REGISTRATION	23943
AIR NEW SOURCE PERMITS	REGISTRATION	23690
AIR NEW SOURCE PERMITS	REGISTRATION	24148
AIR NEW SOURCE PERMITS	REGISTRATION	24417
AIR NEW SOURCE PERMITS	REGISTRATION	24081
AIR NEW SOURCE PERMITS	REGISTRATION	24307
AIR NEW SOURCE PERMITS	REGISTRATION	29244
AIR NEW SOURCE PERMITS	REGISTRATION	32236
AIR NEW SOURCE PERMITS	REGISTRATION	31590
AIR NEW SOURCE PERMITS	REGISTRATION	34264
AIR NEW SOURCE PERMITS	REGISTRATION	34500
AIR NEW SOURCE PERMITS	REGISTRATION	37624
AIR NEW SOURCE PERMITS	REGISTRATION	38931
AIR NEW SOURCE PERMITS	REGISTRATION	39659
AIR NEW SOURCE PERMITS	REGISTRATION	40494
AIR NEW SOURCE PERMITS	REGISTRATION	40950
AIR NEW SOURCE PERMITS	REGISTRATION	41443
AIR NEW SOURCE PERMITS	REGISTRATION	41820
AIR NEW SOURCE PERMITS	REGISTRATION	44322
AIR NEW SOURCE PERMITS	REGISTRATION	44565
AIR NEW SOURCE PERMITS	REGISTRATION	44691
AIR NEW SOURCE PERMITS	REGISTRATION	45561
AIR NEW SOURCE PERMITS	REGISTRATION	45560
AIR NEW SOURCE PERMITS	REGISTRATION	45545
AIR NEW SOURCE PERMITS	REGISTRATION	45938
AIR NEW SOURCE PERMITS	REGISTRATION	45937
AIR NEW SOURCE PERMITS	REGISTRATION	45936
AIR NEW SOURCE PERMITS	REGISTRATION	45935
AIR NEW SOURCE PERMITS	REGISTRATION	45934
AIR NEW SOURCE PERMITS	REGISTRATION	46015
AIR NEW SOURCE PERMITS	REGISTRATION	46079
AIR NEW SOURCE PERMITS	REGISTRATION	46331
AIR NEW SOURCE PERMITS	REGISTRATION	46330
AIR NEW SOURCE PERMITS	REGISTRATION	46326
AIR NEW SOURCE PERMITS	REGISTRATION	46589
AIR NEW SOURCE PERMITS	REGISTRATION	46958
AIR NEW SOURCE PERMITS	REGISTRATION	47149

AIR NEW SOURCE PERMITS	REGISTRATION	48153
AIR NEW SOURCE PERMITS	REGISTRATION	51922
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0095D
AIR NEW SOURCE PERMITS	REGISTRATION	11297
AIR NEW SOURCE PERMITS	REGISTRATION	11762
AIR NEW SOURCE PERMITS	PERMIT	11777
AIR NEW SOURCE PERMITS	REGISTRATION	11895
AIR NEW SOURCE PERMITS	REGISTRATION	12059
AIR NEW SOURCE PERMITS	REGISTRATION	12117
AIR NEW SOURCE PERMITS	REGISTRATION	12482
AIR NEW SOURCE PERMITS	PERMIT	13313
AIR NEW SOURCE PERMITS	PERMIT	13358
AIR NEW SOURCE PERMITS	PERMIT	13534
AIR NEW SOURCE PERMITS	REGISTRATION	13693
AIR NEW SOURCE PERMITS	REGISTRATION	14363
AIR NEW SOURCE PERMITS	REGISTRATION	14273
AIR NEW SOURCE PERMITS	REGISTRATION	14493
AIR NEW SOURCE PERMITS	REGISTRATION	15403
AIR NEW SOURCE PERMITS	REGISTRATION	15717
AIR NEW SOURCE PERMITS	REGISTRATION	16025
AIR NEW SOURCE PERMITS	REGISTRATION	16221
AIR NEW SOURCE PERMITS	PERMIT	17522
AIR NEW SOURCE PERMITS	REGISTRATION	54322
AIR NEW SOURCE PERMITS	REGISTRATION	75653
AIR NEW SOURCE PERMITS	AFS NUM	4824500020
AIR NEW SOURCE PERMITS	PERMIT	56287
AIR NEW SOURCE PERMITS	REGISTRATION	52429
AIR NEW SOURCE PERMITS	REGISTRATION	52468
AIR NEW SOURCE PERMITS	REGISTRATION	75103
AIR NEW SOURCE PERMITS	REGISTRATION	77681
AIR NEW SOURCE PERMITS	REGISTRATION	77922
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062
AIR NEW SOURCE PERMITS	PERMIT	78358
AIR NEW SOURCE PERMITS	REGISTRATION	26297
AIR NEW SOURCE PERMITS	REGISTRATION	79866L
AIR NEW SOURCE PERMITS	REGISTRATION	86268
AIR NEW SOURCE PERMITS	REGISTRATION	87900
AIR NEW SOURCE PERMITS	REGISTRATION	89645
AIR NEW SOURCE PERMITS	REGISTRATION	89842

AIR NEW SOURCE PERMITS	EPA ID	PSDTX1062M1
STORMWATER	PERMIT	TXR05N603
WATER LICENSING	LICENSE	1230079
PETROLEUM STORAGE TANK STAGE II	REGISTRATION	57808
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30121
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0095D

Location: 2100 HOUSTON AVE, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 30, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2005 to August 30, 2010

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 11/06/2005 ADMINORDER 2005-0347-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Effective Date: 12/15/2005 ADMINORDER 2004-2026-AIR-E

Classification: Moderate

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

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

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

Effective Date: 10/25/2007 ADMINORDER 2007-0203-AIR-E

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP

Description: Failure to properly report an emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8404 Special Condition 9 PERMIT
O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP

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

Effective Date: 11/09/2007 ADMINORDER 2006-0613-AIR-E

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

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

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8404, Special Condition XII-13 PERMIT
8404, Special Condition XII-4 PERMIT

Description: Failure to maintain the SO2 concentration below the maximum allowable limit.

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT

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

Effective Date: 02/18/2008 ADMINORDER 2005-2011-AIR-E

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

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

event.

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 9 PERMIT

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

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 9 PERMIT

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

Classification: Moderate

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

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

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 7A PERMIT

8404, Special Condition 9 PERMIT

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

Effective Date: 04/14/2008

ADMINORDER 2007-1335-AIR-E

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

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

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

Description: Failed to comply with opacity limits.

Effective Date: 06/19/2008

ADMINORDER 2006-1513-AIR-E

Classification: Major

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

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

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 9 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

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

Classification: Moderate

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

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

Description: Failure to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526, and 14824.

Classification: Moderate

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

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

Description: Failure to timely report 12 deviations during three semi-annual deviation reports. Two of the reports additionally were missing corrective action information for two reported deviations.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)
30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 106, SubChapter T 106.454(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to properly operate facility degreasing units.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(v)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to maintain a record of the repair monitoring for a leaking fugitive component.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to seal 67 open-ended lines with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Effective Date: 07/03/2008

ADMINORDER 2007-1497-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Effective Date: 09/22/2008

ADMINORDER 2008-0389-AIR-E

Classification: Moderate

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

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

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

Effective Date: 06/18/2010

ADMINORDER 2009-1043-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

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

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 12E PERMIT

8404/PSD-TX-1062, Special Condition 71 PERMIT

8404/PSD-TX-1062, Special Condition 73 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

O-01386, Special Condition 1A OP

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

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT

8404/PSD-TX-1062, Special Condition 71 PERMIT

8404/PSD-TX-1062, Special Condition 73 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

O-01386, Special Condition 1A OP

Description: Failure to perform monthly drain inspections.

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable emission limits for HTU4 Charge Heater Number 2.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404, Special Condition 7B PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FKFCCU1 and 2).

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the HTU3 Cooling Tower (EPN: FKHTU3).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas to 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.

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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU, HTU4, FCCU3 and ALKY flares.

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 38A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for SO2 and NOx from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to perform monthly monitoring of a leaking valve.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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)

Rqmt Prov: 56287, General Condition 8 PERMIT
56287, Special Condition 3 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) concentration and emission limits for Combustion Turbine Generator (Gas Turbine) 34.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01368, Special Condition 18 OP
O-01386, General Terms and Conditions OP

Description: Failure to accurately certify compliance in the Annual Compliance Certifications (ACCs).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter B 115.142(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to equip a drain (identified with Component Identification Tag 010) with a plug.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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)

Rqmt Prov: 6056, General Condition 8 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Special Condition 16A PERMIT

Description: Failure to maintain the Carbon Monoxide (CO) emission rate at Boiler 29 below the allowable emission limit.

Classification: Moderate

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

Rqmt Prov: 6056, General Condition 8 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable annual emission limits at Boiler 29, Boiler 32, and Boiler 33.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)
4F TWC Chapter 63, SubChapter A 63.157
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to conduct the performance testing of the Continuous Catalytic Regenerator (CCR) operations at CRU4, specifically the CRU4 Caustic HCl Scrubber.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(C)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP

Description: Failure to properly report a June 2-3, 2008, emissions event.

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	08/31/2005	(339481)
2	08/31/2005	(343681)
3	08/31/2005	(374623)
4	09/15/2005	(398731)
5	09/15/2005	(398732)
6	09/15/2005	(398734)
7	09/15/2005	(398735)
8	09/23/2005	(440828)
9	09/23/2005	(440830)
10	10/24/2005	(440829)
11	11/09/2005	(436494)
12	11/18/2005	(468423)
13	12/02/2005	(418595)
14	12/02/2005	(435832)
15	12/06/2005	(436191)
16	12/27/2005	(468424)
17	01/09/2006	(438161)
18	01/09/2006	(438163)
19	01/09/2006	(438165)
20	01/09/2006	(438167)
21	01/09/2006	(438168)
22	01/09/2006	(438169)
23	01/09/2006	(438170)
24	01/09/2006	(438171)
25	01/09/2006	(438173)
26	01/09/2006	(438174)
27	01/12/2006	(437664)
28	01/24/2006	(439304)
29	01/24/2006	(439305)
30	01/24/2006	(439306)
31	01/24/2006	(439307)
32	01/24/2006	(439308)
33	01/27/2006	(440026)
34	01/27/2006	(440027)
35	01/27/2006	(440028)
36	02/07/2006	(437317)
37	02/15/2006	(450083)
38	02/16/2006	(440030)
39	02/22/2006	(468420)
40	03/15/2006	(498184)
41	03/28/2006	(454259)
42	03/28/2006	(454260)
43	03/28/2006	(454262)
44	03/29/2006	(454263)
45	03/29/2006	(454264)
46	04/13/2006	(468421)
47	04/13/2006	(468422)

48	04/14/2006	(454439)
49	05/03/2006	(453610)
50	05/12/2006	(498185)
51	05/16/2006	(464788)
52	05/16/2006	(464801)
53	05/22/2006	(459051)
54	06/16/2006	(465963)
55	06/20/2006	(498186)
56	07/13/2006	(481868)
57	07/17/2006	(455987)
58	07/24/2006	(466418)
59	07/24/2006	(482945)
60	08/18/2006	(520192)
61	08/25/2006	(466256)
62	08/31/2006	(437238)
63	08/31/2006	(437272)
64	08/31/2006	(452766)
65	09/19/2006	(520193)
66	09/19/2006	(520195)
67	10/16/2006	(520194)
68	11/03/2006	(516484)
69	11/14/2006	(512177)
70	11/15/2006	(544494)
71	12/18/2006	(544495)
72	12/28/2006	(145783)
73	12/28/2006	(254143)
74	12/28/2006	(26423)
75	12/28/2006	(267063)
76	12/28/2006	(29038)
77	12/28/2006	(340489)
78	02/02/2007	(536089)
79	02/05/2007	(481275)
80	02/15/2007	(544493)
81	03/09/2007	(575283)
82	04/17/2007	(575284)
83	04/21/2007	(454289)
84	04/21/2007	(512224)
85	04/26/2007	(556885)
86	05/17/2007	(575285)
87	06/19/2007	(575286)
88	06/23/2007	(452727)
89	06/25/2007	(555224)
90	07/13/2007	(575287)
91	07/31/2007	(558780)
92	08/14/2007	(544000)
93	08/15/2007	(543999)
94	08/20/2007	(607546)
95	09/17/2007	(607547)
96	10/16/2007	(607548)
97	10/23/2007	(607549)
98	10/24/2007	(594945)
99	11/05/2007	(599015)
100	11/16/2007	(619519)
101	11/28/2007	(601230)
102	12/11/2007	(609847)
103	12/17/2007	(619520)
104	12/21/2007	(635943)
105	01/13/2008	(599244)

106 01/14/2008 (573909)
107 01/25/2008 (619518)
108 02/05/2008 (615311)
109 02/13/2008 (672034)
110 02/20/2008 (615560)
111 02/25/2008 (613440)
112 02/26/2008 (617761)
113 03/17/2008 (672035)

114 04/16/2008 (636445)
115 04/16/2008 (672036)
116 04/28/2008 (636501)
117 04/30/2008 (653708)
118 05/13/2008 (689954)
119 05/15/2008 (669887)
120 05/30/2008 (681425)
121 06/07/2008 (559928)
122 06/11/2008 (689955)
123 07/25/2008 (637867)
124 08/04/2008 (688786)
125 08/18/2008 (687784)
126 08/18/2008 (710732)
127 08/20/2008 (710734)
128 08/20/2008 (710735)
129 08/26/2008 (435405)
130 08/26/2008 (686410)
131 08/27/2008 (689025)
132 09/16/2008 (710733)
133 10/23/2008 (687024)
134 10/27/2008 (706417)
135 11/14/2008 (727483)
136 11/18/2008 (684387)
137 11/18/2008 (699861)
138 12/04/2008 (708327)
139 12/09/2008 (702155)
140 12/18/2008 (750270)
141 12/19/2008 (721889)
142 01/28/2009 (722036)
143 02/13/2009 (721980)
144 02/16/2009 (750266)
145 02/25/2009 (735602)
146 03/18/2009 (750267)
147 04/14/2009 (750268)
148 04/14/2009 (750269)
149 04/17/2009 (735807)
150 05/13/2009 (741748)
151 05/14/2009 (768349)
152 06/10/2009 (768350)
153 06/30/2009 (740428)
154 06/30/2009 (740433)
155 07/01/2009 (747125)
156 07/08/2009 (743065)
157 07/09/2009 (759482)
158 07/13/2009 (738830)
159 07/28/2009 (762778)
160 07/28/2009 (763062)
161 07/28/2009 (763304)
162 07/29/2009 (762779)
163 07/29/2009 (763254)

164 07/29/2009 (763265)
165 07/29/2009 (763277)
166 07/29/2009 (763309)
167 07/29/2009 (763329)
168 08/11/2009 (804648)
169 08/19/2009 (736499)
170 08/26/2009 (763405)
171 08/26/2009 (763406)
172 08/26/2009 (763407)

173 08/26/2009 (763409)
174 08/26/2009 (765051)
175 08/26/2009 (765052)
176 08/26/2009 (765200)
177 08/26/2009 (765201)
178 08/26/2009 (765305)
179 09/15/2009 (804649)
180 09/22/2009 (763792)
181 10/05/2009 (765337)
182 10/14/2009 (777541)
183 10/14/2009 (804650)
184 10/22/2009 (780067)
185 10/23/2009 (780058)
186 10/29/2009 (776147)
187 11/05/2009 (776148)
188 11/12/2009 (776479)
189 11/12/2009 (776803)
190 11/12/2009 (776804)
191 11/12/2009 (777852)
192 11/13/2009 (804651)
193 12/15/2009 (804652)
194 01/05/2010 (786191)
195 01/06/2010 (784719)
196 01/06/2010 (784720)
197 01/06/2010 (785709)
198 01/06/2010 (785944)
199 01/06/2010 (785985)
200 01/06/2010 (786017)
201 01/07/2010 (786188)
202 01/13/2010 (804653)
203 02/07/2010 (781801)
204 02/08/2010 (790438)
205 02/12/2010 (776149)
206 02/12/2010 (777854)
207 02/16/2010 (804647)
208 02/18/2010 (785707)
209 02/19/2010 (763912)
210 02/24/2010 (790004)
211 02/24/2010 (791136)
212 03/01/2010 (787175)
213 03/11/2010 (792029)
214 03/16/2010 (830881)
215 03/17/2010 (791310)
216 03/22/2010 (787899)
217 03/22/2010 (795060)
218 03/23/2010 (791693)
219 04/13/2010 (830882)
220 05/07/2010 (800076)
221 05/10/2010 (830883)

222 05/26/2010 (798314)
223 06/03/2010 (803496)
224 06/15/2010 (846268)
225 06/24/2010 (826000)
226 07/01/2010 (747625)
227 07/05/2010 (829489)
228 07/29/2010 (843409)
229 08/26/2010 (848872)

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

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

Date: 06/30/2006 (468422) CN600124051
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (520192) CN600124051
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

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

Date: 06/25/2007 (555224) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.163(1)

30 TAC Chapter 335, SubChapter F 335.163(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(c)
P.P. II.c.1.m. PERMIT

Description: Failure to provide required locked caps, clearly visible identification numbers, and bumper guards on MW-5, MW-48, and MW-46.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.164(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(d)
C.P.P. VI.C. IHWPERMTCP
P.P. VI. J PERMIT

Description: Failure to adhere to the sampling frequencies as required by the Sampling Analysis Plan.

Date: 06/30/2007 (575287) CN600124051

Self Report? YES Classification: Moderate

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

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

Date: 08/15/2007 (571469) CN600124051

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 20 PERMIT
8404, Special Condition 21 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to monitor the pilot flame at the CRU4 Flare.

Date: 08/15/2007 (544000)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 16 PERMIT
8404, Special Condition 56 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

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

Date: 09/30/2007 (607548)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/11/2007 (609847) CN600124051
Self Report? NO Classification: Minor
Citation: M&RR 3c PERMIT
Description: Failure by Motiva Enterprises LLC. to maintain complete records of calibration.
Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT

Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT

Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT

Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Minor
Citation: OpR 1 PERMIT

Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.

Self Report? NO Classification: Moderate
Citation: PC 2g PERMIT

Description: Failure by Motiva Enterprises LLC. to prevent unauthorized discharges into or adjacent to waters of the state.

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

Date: 01/31/2008 (672034)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2008 (689955) CN600124051
Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/26/2008 (686410)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
FOP O-01386, General Terms and Condition OP

Description: Failure to submit a semi-annual deviation report and annual compliance certification (ACC) within the required time-frames.

Date: 10/24/2008 (687024)

CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Date: 12/09/2008 (702155)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP

Description: Failure to properly report an emissions event.

Date: 02/13/2009 (721980)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP

Description: Failure to properly report an emissions event (Incident 117334).

Date: 03/31/2009 (750268)

CN600124051

Self Report? YES Classification: Moderate

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

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

Date: 08/19/2009 (736499)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP

Description: Failure to determine the estimated total quantity of emissions released during a non-reportable emissions event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2G OP

Description: Failure to properly operate all pollution emission capture equipment.

Self Report? NO 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)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
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)
8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas to 160 ppmv averaged over a three hour period and to comply with the permitted SO2 emission limit at Delayed Coking Unit (DCU) Coke Heater Number 2.

Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404, Special Condition 82 PERMIT
8404/PSD-TX-1062, Special Condition 28 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain a minimum retention time of three days at the sour water stripper surge system.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, SC 57B(2) PERMIT

8404/PSD-TX-1062, Special Condition 56F PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to conduct the daily zero and span calibrations of Fuel Gas Drum H2S CEMS.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, SC 57B(2) PERMIT
8404/PSD-TX-1062, Special Condition 56C PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to conduct the daily zero and span calibrations of the Tail Gas Treating Unit Number 1 (TGTU1) Oxygen (O2) CEMS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 31A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to properly monitor facility cooling towers according to TCEQ Sampling Procedures Manual, Appendix P.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the CRU4 Flare (EPN: ECRU4).

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU Flare (EPN: EHCU).

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the HTU4 Flare (EPN: EHTU).

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the VPS4 Flare (EPN: EVPS4).

Self Report? NO Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 1 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain emission rates below the allowable annual emission limits at SCDHDS Heater 1 (EPN: SCDHDS-1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, SC 57B(2) PERMIT
8404/PSD-TX-1062, Special Condition 56B PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to conduct the daily zero and span calibrations of the CRU4 Flue Gas Stack NOx CEMS.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 23 PERMIT
O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Description: Failure to properly control sour gas emissions during sulfur truck loading.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the DCU Flare (EPN: EDCU1).

EIC B1 MOD 2B

Self Report? NO Classification: Moderate

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

30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 55B PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

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(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to perform monthly visual inspections in July 2008.

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to operate the VPS4 Flare (EPN: EVPS4) with a pilot flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the ALKY Flare (EPN: EFCCU1&2).

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT

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

Description: Failure to continuously monitor the pilot flame at the FCCU3 Flare (EPN: EFCCU3).

Self Report? NO 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)
30 TAC Chapter 117, SubChapter B 117.145
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to report CEMS performance and excess emissions in the correct format.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 52E PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to submit the HTU5 Charge Heater initial compliance testing reporting within 45 days.

Date: 01/31/2010 (804647) CN600124051

Self Report? YES Classification: Moderate

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

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

Date: 03/11/2010 (792029) CN600124051

Self Report? NO Classification: Minor

Citation: ELMR PERMIT

Description: Failure by Motiva Enterprises, LLC to notify the Regional Office 45 days prior to Outfall 003 activation or the anticipated discharge.

Self Report? NO Classification: Minor

Citation: MRR PERMIT

Description: Failure by Motiva Enterprises, LLC to provide the 24-hour notice and five-day written report within the proper timelines for an unauthorized discharge.

Self Report? NO Classification: Moderate

Citation: PC PERMIT

Description: Failure by Motiva Enterprises, LLC to prevent an unauthorized discharge of wastewater into or adjacent to water of the state.

Self Report? NO Classification: Moderate

Citation: ELMR PERMIT

Description: Failure by Motiva Enterprises, LLC to discharge compliant effluent with the total organic carbon daily maximum permit limit at Outfall 008.

Self Report? NO Classification: Minor

Citation: MRR PERMIT

Description: Failure by Motiva Enterprises, LLC to retain monitoring and reporting records for three years.

Self Report? NO Classification: Minor

Citation: OpR PERMIT

Description: Failure by Motiva Enterprises, LLC to properly operate and maintain units of collection and treatment.

Self Report? NO Classification: Moderate

Citation: PC PERMIT

Description: Failure by Motiva Enterprises, LLC to prevent unauthorized discharge of wastewater into or adjacent to water in the state.

Self Report? NO Classification: Minor
 Citation: OpR PERMIT
 Description: Failure by Motiva Enterprises, LLC to properly operate and maintain units of treatment and collection.

Self Report? NO Classification: Minor
 Citation: OpR PERMIT
 Description: Failure by Motiva Enterprises, LLC to properly operate and maintain units of treatment and collection.

Self Report? NO Classification: Minor
 Citation: ELMR PERMIT
 Description: Failure by Motiva Enterprises, LLC to collect samples in accordance with the permit frequency.

Self Report? NO Classification: Minor
 Citation: OT PERMIT
 Description: Failure by Motiva Enterprises, LLC to submit the statement, "The reported value of zero for (parameter) on the self-reporting form for (date range) is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL", on the discharge monitoring report (DMR) when reporting a zero.

Self Report? NO Classification: Minor
 Citation: MRR PERMIT
 Description: Failure by Motiva Enterprises, LLC to comply with test procedures specified in 30 TAC 319.11 - 319.12.

Date: 03/23/2010 (787899) CN600124051
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 2F OP
 O-01386, Special Condition 2I OP
 Description: Failure to properly submit an initial notification and the final report for an emissions event.

Date: 08/26/2010 (848872) CN600124051
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 Permit 8404/PSD-TX-1062, SC 23 PERMIT
 Description: Failure to properly control sour gas emissions during sulfur truck loading with the vapor collection system. EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange.
EIC C10 MOD2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 38 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for CO from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2). EIC B13 MOD2(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 22 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to comply with the 250 ppmv 12 hour emission limit for SO2 at TGTU1 and TGTU2. EIC B13 MOD(2)(D)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.142(1)(H)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to repair a seal within the required time frame. EIC C4 MIN(3)(A)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.142(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to properly seal the sump cover seal at HTU4 DO and the Lube Train Rich Amine Unit. EIC C4 MIN(3)(D)

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to continuously operate with a flame present at the CRU4, LHCU, FCCU3, and ALKY flares. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 20 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 15 OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the SRU Incinerator Vent (EPN: STGTU-1) firebox temperature above 1200 degrees Fahrenheit. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to make a first attempt at repair of a leaking component within 5 days of discovery. EIC C4 MOD(2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 55B PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at or above a pH of 7.0. EIC B18 MOD(2)(G)

Self Report? NO 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)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the CRU4 flare. EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas below 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.

EIC B13 MOD2(D)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 57F PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP

Description: Failure to comply with the permitted O2 and SO2 CEMS downtime on a rolling 12-month period for TGTU1-1 and TGTU2-1 and the NOx CEMS downtime on a rolling 12-month period for the FCCU3. EIC B19(g)(1) MOD(2)(A)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP 1386, General Terms and Conditions OP

Description: Failure to report all instances of deviations in a semi-annual deviation reports. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(1)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 FOP 1386, General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification (ACC). EIC B3 MOD(2)(B)

F. Environmental audits.

11/03/2006 (531086)

Notice of Intent Date:
 Disclosure Date: 12/12/2006

Viol. Classification: Minor
 Rqmt Prov: PERMIT 01386, Condition 3A, 3B, 3C, and 3D

Description: Failure to conduct visible emissions observations using Method 9 under certain conditions instead of Method 22.

Viol. Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.216

Description: NOx final control plan failed to demonstrate compliance with standards for attainment demonstration.

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.223(b)

Description: NOx emissions cap for power house boilers was not based on a certified baseline and periodic compliance reports did not reflect the NOx emission caps.

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.213
 30 TAC Chapter 117, SubChapter B 117.219(b)
 30 TAC Chapter 117, SubChapter B 117.219(c)
 30 TAC Chapter 117, SubChapter B 117.219(d)

Description: Failure to install CEMS for NOx emissions on some process heaters firing greater than 100 MMBTU/hr, and on shared stacks with units firing greater than 200 MMBTU/hr (aggregate).

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(a)

Description: Failure to maintain documentation to demonstrate compliance with data accuracy requirements for the totalizing fuel flow meters on all applicable combustion sources.

Viol. Classification: Minor
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)(ii)

Description: Failure to include water from the North and South API separators routed through a sampling hose to uncontrolled sewer drains in the portion of the Total Annual Benzene report.

Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

Description: Failure to monitor carbon canister/vessel control devices for lift stations and satellite wastewater tanks on a frequency based on design capacity at maximum loading, rather than past performance.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)

Description: Failure to properly maintain and operate the blower on the UDEX area satellite tank.

Viol. Classification: Major

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)

Description: Failure to include temporary piping/hoses associated with temporary sludge pumps on the North and South API separators in the quarterly visual inspections for cracks, gaps or leaks.

Viol. Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 115, SubChapter B 115.116(a)(2)
30 TAC Chapter 115, SubChapter B 115.119(a)

Description: Failure to include tank T-1511 excessive seal gap emissions in the emissions inventory.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175(b)(1)

Description: Failure to comply with secondary containment requirements for a roll-off bin containing spent catalyst filter.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Failure to maintain current record of point of generation (POG) waste streams subject to NESHAP Support FF as required.

Disclosure Date: 04/20/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(C)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)

Description: Failure to include the annual benzene quantity information in 40 CFR 61.357(a)(1)-3 for each POG stream for NESHAP Subpart FF annual reports for calendar years 2002 - 2005. Failure to include the table identifying individual POG waste streams chosen for exemption in the NESHAP Subpart FF annual reports for calendar years 2002 - 2005.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)

Description: Failure to include the North API waste slipstream in the NESHAP Support FF in the 2.0 Mg exemption calculation.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)

Description: Failure to include in the NESHAP Subpart FF annual report for calendar year 2001 - 2006 the required summary of all inspections during which detectable emissions were measured or a problem, such as a broken seal or gap was identified.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(i)(4)

Description: Failure to take samples at the SASTU - new enhanced biodegradation unit inlet to demonstrate compliance with 10 ppmw benzene.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)

Description: Failure to operate the UDEX Sump and VPS sump in accordance with NESHAP Subpart FF. Specifically, the sumps were in an open, unsealed position.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(3)(i)

Description: Failure to equip the bypass line carbon canisters and vessels, the Vacuum Recovery System, and the Flare Gas Recovery System with an indicator to record bypass flow or a device such as a car-seal or lock-and-key type configuration to secure the bypass line valve in a closed position. In addition, monthly inspections of car-seals have not been performed, and records documenting broken or removed car-seals or when bypass line valve position changed have not been maintained.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to properly characterize several POG waste streams containing benzene containing more than 10 ppmw on a flow-weighted annual basis, and the WMU streams were waste was routed were not visually inspected on a quarterly basis, also the ASTU Splitter Box.

Viol. Classification: Major

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)

Description: Failure to maintain documentation certifying that the Vacuum Recovery System, Flare Gas Recovery System, and SASTU waste water treatment unit are designed to operate at documented performance levels under the highest load or capacity.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to conduct visual inspections of aboveground sewer piping under NESHAP Subpart FF on a quarterly basis.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to conduct visual inspections of closed vent systems and control devices in NESHAP Subpart FF service on a quarterly basis.

Viol. Classification: Major

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)

Description: Failure to properly maintain in proper operating conduction the pressure relief valves for the South API separator, fixed roof and closed-vent system which routes vapors to the Vacuum Recovery System.

Disclosure Date: 08/06/2007

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(C)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)

Description: Failure to include the annual benzene quantity information in 40 CFR 61.357(a)(1)-3 for each POG stream for NESHAP Subpart FF annual reports for calendar years 2002 - 2005. Failure to include the table identifying individual POG waste streams chosen for exemption in the NESHAP Subpart FF annual reports for calendar years 2002 - 2005.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)

Description: Failure to include the North API waste slipstream in the NESHAP Support FF in the 2.0 Mg exemption calculation.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)

Description: Failure to include in the NESHAP Subpart FF annual report for calendar year 2001 - 2006 the required summary of all inspections during which detectable emissions were measured or a problem, such as a broken seal or gap was identified.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(i)(4)

Description: Failure to take samples at the SASTU - new enhanced biodegradation unit inlet to demonstrate compliance with 10 ppmw benzene.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)

Description: Failure to operate the UDEX Sump and VPS sump in accordance with NESHAP Subpart FF. Specifically, the sumps was in an open, unsealed position.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(3)(i)

Description: Failure to equip the bypass line carbon canisters and vessels, the Vacuum Recovery System, and the Flare Gas Recovery System with an indicator to record bypass flow or a device such as a car-seal or

lock-and -key type configuration to secure the bypass line valve in a close position. In addition, monthly inspections of car-seals have not been performed, and records documenting broken or removed car-seals or when bypass line valve position changed have not been maintained.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to properly characterize several POG waste streams containing benzene containing more than 10 ppmw on a flow-weighted annual basis, and the WMU streams were waste was routed were not visually inspected on a quarterly basis, also the ASTU Splitter Box.

Viol. Classification: Major

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)

Description: Failure to maintain documentation certifying that the Vacuum Recovery System, Flare Gas Recovery System, and SASTU waste water treatment unit are designed to operate at documented performance levels under the highest load or capacity.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to conduct visual inspections of aboveground sewer piping under NESHAP Subpart FF on a quarterly basis.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to conduct visual inspections of closed vent systems and control devices in NESHAP Subpart FFservice on a quarterly basis.

Viol. Classification: Major

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)

Description: Failure to properly maintain in proper operating conduction the pressure relief valves for the South API separator, fixed roof and closed-vent system which routes vapors to the Vacuum Recovery System.

12/15/2006

(536667)

Notice of Intent Date:

Disclosure Date: 06/14/2007

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)(2)(G)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(b)(2)

Description: Failure to report tear data to TCEQ. Specifically, the 2006 annual seal inspection for Tank 1904, and Tank 1920, in addition the fabric seal had to be replaced and tank re-inspected 2/22/06.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.115(a)(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)

Description: Failure to comply with seal gap procedure measurements.

Viol. Classification: Moderate

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

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

08/01/2007

(518396)

Notice of Intent Date:

No DOV Associated

10/29/2007
(601277)

Notice of Intent Date:

No DOV Associated

10/29/2007
(601279)

Notice of Intent Date:

No DOV Associated

06/16/2008
(684982)

Notice of Intent Date:

Disclosure Date: 01/15/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.105

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

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

Viol. Classification: Moderate

Rqmt Prov: PERMIT 117.123(e)

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

08/21/2008
(702667)

Notice of Intent Date:

Disclosure Date: 11/08/2008

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Description: Failure to install locks on bypass valves on some Benzene NESHAP carbon vessel systems.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

Description: Failure to conduct primary seal gap measurements for external floating roof tanks every 5 years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC15

Description: Failure to conduct annual visual inspections of tank vapor recovery systems.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(II)

Description: Failure to keep monthly records of total solvent usage.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC62 and SC69

Description: Failure to total emissions on a quarterly 12 month, and emissions cap calculations on a rolling basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 8404 SC2F

Description: Failure to calculate VOC emissions on a monthly basis.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC 7

Description: Failure to maintain documentation of vents subject to 30 TAC 111.111, and conduct method 9 observations.

06/26/2009

(761937)

Notice of Intent Date:

Disclosure Date: 03/10/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to monitor for the compliance of two special conditions of the facility NSR permit.

07/21/2009

(775779)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

08/31/2004	12/31/3000	ENVIRONMENTAL MANAGEMENT SYSTEM	NON 30 TAC CH 90 CERTIFIED
N/A			
01/01/1800	05/10/2009	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED
01/01/1800	05/10/2009	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1514-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum oil refinery at 2100 Houston Avenue in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 31, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eighty-Five Thousand One Hundred Twenty-Five Dollars (\$85,125) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Four Thousand Fifty Dollars (\$34,050) of the administrative penalty and Seventeen Thousand Twenty-Five Dollars (\$17,025) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty-Four Thousand Fifty Dollars (\$34,050) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Conducted training of personnel at the Catalytic Reforming Unit ("CRU") on the operation of heaters and maintaining compliance with the carbon monoxide ("CO") permitted emissions rates on May 27, 2010; and
 - b. Conducted training of personnel at the Vacuum Pipe Seal ("VPS") 2 on the operation of heaters and maintaining compliance with the CO permitted emissions rates on May 27, 2010.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(b) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit-by-Rule Registration No. 77922, and Federal Operating Permit ("FOP") O-01386,

General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 16A, as documented during a record review conducted on August 10, 2010. Specifically, from September 13, 2009 to December 25, 2009, the Respondent exceeded the volatile organic compounds ("VOCs") certified hourly emission rate of 0.144 pounds per hour ("lbs/hr") limit on nine occasions at the West American Petroleum Institute ("API") Separator Thermal Oxidizer, Emission Point Number ("EPN") APISEPFE, resulting in the release of 25.28 lbs of VOCs.

2. Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, Special Condition ("SC") 1, as documented during a record review conducted on August 10, 2010. Specifically, from February 19, 2009 to December 31, 2009, the hourly emission rate of 39.36 lbs/hr of nitrogen oxide ("NOx") for 289 hrs, and 54.02 lbs/hr of CO for 325 hrs at the VPS4 Combined Heater Stack, EPN SVPS4-7, resulting in the release of 1,067 lbs of NOx and 14,711 lbs of CO.
3. Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, SC 1, as documented during a record review conducted on August 10, 2010. Specifically, from January 15, 2009 to October 8, 2009, the Respondent exceeded the hourly emission rate of 55.85 lbs/hr of CO for 14 hours at the CRU4 Combined Heater Stack, EPN SCR4-1, resulting in the release of 717.16 lbs of CO.
4. Failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01386, GTC and STC 16A, Flexible Permit Nos. 8404 and PSD-TX-1062, SC 1, as documented during a record review conducted on August 10, 2010. Specifically, from March 17, 2009 to June 30, 2009, the Respondent exceeded the hourly emission rate of 23.92 lbs/hr of CO for 17 hours at the VPS2 Combined Heater Stack, EPN SVPS2-1, resulting in the release of 125.35 lbs of CO.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2010-1514-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section 1, Paragraph 6 above, Thirty-Four Thousand Fifty Dollars (\$34,050) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, conduct an engineering study to determine a permanent solution to ensure the VOC emission rates are maintained at the West API Separator Thermal Oxidizer;
 - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance for Ordering Provision 3.a., as described in Ordering Provision No. 3.f.;
 - c. Within 90 days after the effective date of this Agreed Order, replace malfunctioning burners and train personnel to ensure the NOx and CO emissions rates at VPS4 comply with permitted emission rates of Flexible Permit Nos. 8404 and PSD-TX-1062;
 - d. Within 105 days after the effective date of this Agreed Order, submit certification of compliance for Ordering Provision 3.c., as described in Ordering Provision No. 3.f.;
 - e. Within 365 days after the effective date of this Agreed Order, implement measures designed to ensure the VOC emissions rates at the West API Separator Thermal Oxidizer comply with the certified emissions rates of Permit-by-Rule Registration No. 77922; and
 - f. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the

information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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

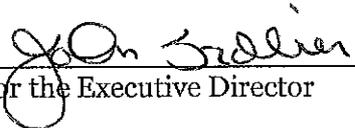
copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 3/4/2011

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

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

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

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



Signature

Date 12-28-2010

HARRY B HARMON

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

MANAGER ENVIRONMENTAL

Title

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

Attachment A
Docket Number: 2010-1514-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Motiva Enterprises LLC

Payable Penalty Amount: Sixty-Eight Thousand One Hundred Dollars
(\$68,100)

SEP Amount: Thirty-Four Thousand Fifty Dollars (\$34,050)

Type of SEP: Pre-approved

Third-Party Recipient: City of Port Arthur: Port Arthur Building and
Infrastructure Energy Efficiency Upgrades Program

Location of SEP: Jefferson County

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

1. Project Description

A. Project

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

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Motiva Enterprises LLC
Agreed Order – Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

