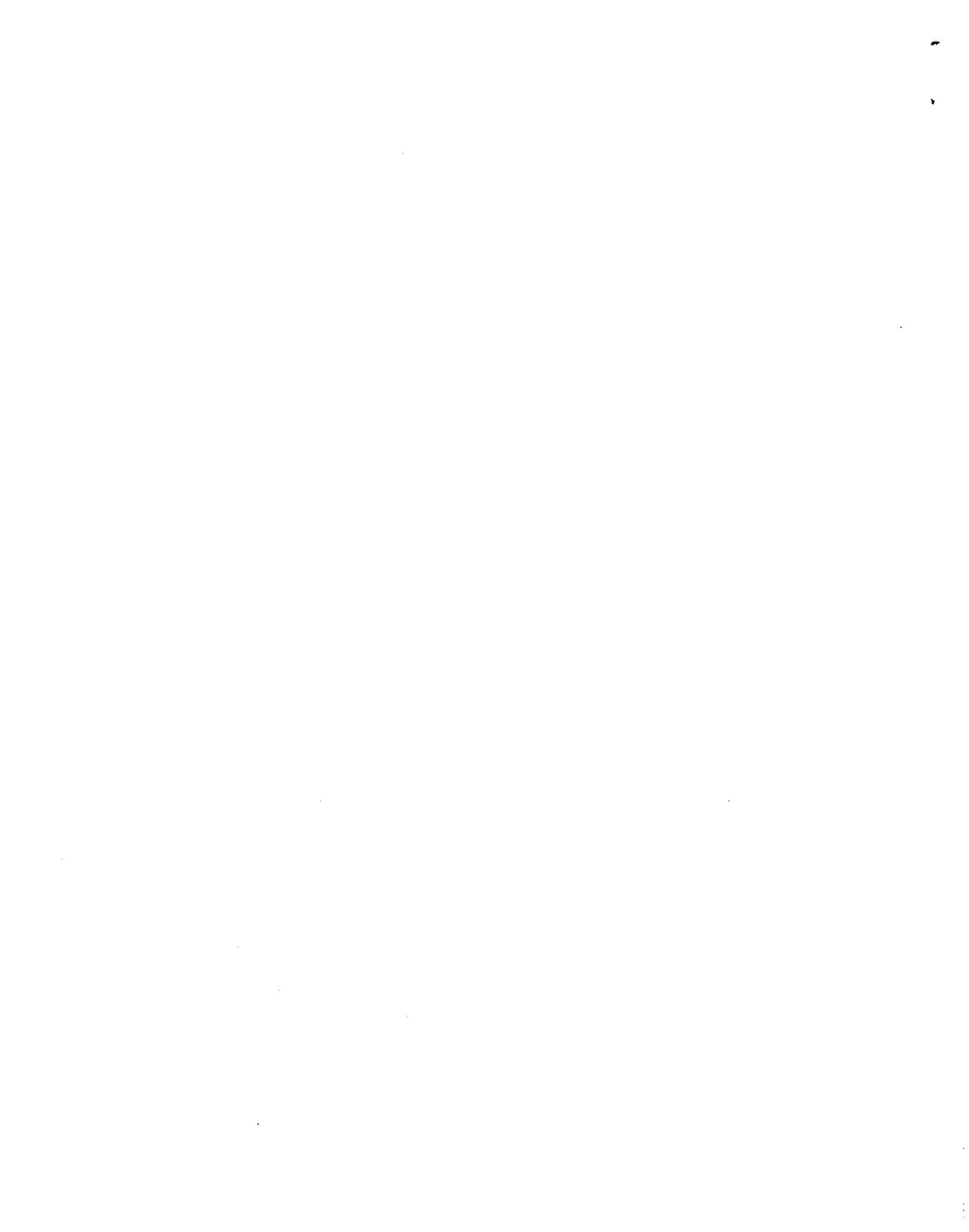


CAPTION: Docket No. 2009-1807-AIR-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of Pasadena Refining System, Inc in Harris County; RN100716661; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Nadia Hameed, Laurie Eaves)



Page 1 of 4

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1807-AIR-E **TCEQ ID:** RN100716661 **CASE NO.:** 38652
RESPONDENT NAME: Pasadena Refining System, Inc

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Pasadena Refining System, 111 Red Bluff Road, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Petroleum refinery</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location: Docket No. 2010-2073-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 4, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Francisco Raymundo de Cerqueira Neto, Chief Executive Officer, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506 Mr. Tobey Taylor, Environmental Manager, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506 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: September 11, 2009, October 21, 2009, December 1, 2009, April 19, 2010, and June 23, 2010</p> <p>Date of NOV/NOE Relating to this Case: October 20, 2009, December 8, 2009, May 28, 2010, and August 23, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>1) Failed to continuously monitor two pressure safety valves that vent directly to the atmosphere [30 TEX. ADMIN. CODE §§ 115.725(c)(1) and (c)(2) and 122.143(4), Federal Operating Permit No. O-01544, Special Conditions No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions during Incident No. 128497. Specifically, 11,100.12 pounds ("lbs") of volatile organic compounds ("VOC"), including 4,426.11 lbs of Highly Reactive Volatile Organic Compound ("HRVOC") were released when the Respondent failed to prevent a flame-out of the West Flare pilots, resulting in an emissions event which began on August 21, 2009 and lasted for 45 minutes. Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(1) and 101.221(a), Air Permit Nos. 56389 and 20246, Special Conditions No. 1, 40 Code of Federal Regulations ("CFR") § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$279,125</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$279,125</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>Findings Orders Justification:</p> <p>The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On August 23, 2008, the temporary boiler, EPN TMBLR001, was shut down;</p> <p>b. On August 23, 2009, the malfunctioning pressure regulator was repaired and procedures were revised to ensure that extra caution for steam usage in the flare is taken during Coker operation in order to prevent a recurrence of emissions events due to the same cause as Incident Nos. 128497 and 128511;</p> <p>c. On November 24, 2009, the leaking valve in HRVOC service was repaired and re-monitored to ensure that it was no longer leaking;</p> <p>d. On February 10, 2010, a monitoring system was put into operation to monitor HRVOC releases from pressure safety valves 14PSV-1320 and 14PSV-1321; and</p> <p>e. On September 13, 2010, the process engineers involved in emissions event calculations were retrained to ensure that all reportable emissions events are identified and reported in a timely manner.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that the requirements for placing a leaking valve on DOR are demonstrated and extraordinary repair attempts are made on valves in HRVOC service; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include</p>

<p>3) Failed to prevent unauthorized emissions during Incident No. 128511. Specifically, 2,937.92 lbs of VOC, including 1,149 lbs of HRVOCs were released when the Respondent failed to prevent a flame-out of the West Flare pilots, resulting in an emissions event which began on August 23, 2009 and lasted for 10 minutes. Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(1) and 101.221(a), Air Permit Nos. 56389 and 20246, Special Conditions No. 1, 40 CFR § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to demonstrate the requirements for placing a leaking valve on delay of repair ("DOR") [30 TEX. ADMIN. CODE § 115.782(c)(2), (c)(2)(A), (c)(2)(A)(i) and (ii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failed to conduct an extraordinary repair attempt within 30 days or isolate a leaking valve [30 TEX. ADMIN. CODE § 115.782(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failed to comply with the nitrogen oxides ("NOx") emission limit of 0.036 pound per million British thermal units heat input for EPN TMPBLR001 [30 TEX. ADMIN. CODE § 116.115(c), Standard Permit Registration No. 82764, Air Quality Standard Permit for Boilers Condition No. (4)(B)(iii) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failed to prevent unauthorized emissions. Specifically, 2,306.09 lbs of carbon monoxide, 314.24 lbs of NOx, and 2,231.73 lbs of VOCs including 1,216.12 lbs of HRVOCs were released when the Respondent failed to prevent buildup of material that prevented the process control valve 3213 from seating properly, resulting in an emissions event which began on April 16, 2010 and lasted for 4 hours. Since the emissions event was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 56389, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>
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<p>8) Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 138630 was discovered on April 16, 2010 but was not reported until April 19, 2010 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): Air Account HG0175D



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	21-Dec-2009	Screening	29-Dec-2009	EPA Due	7-Mar-2011
	PCW	29-Jun-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Pasadena Refining System, Inc
Reg. Ent. Ref. No.	RN100716661
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38652	No. of Violations	8
Docket No.	2009-1807-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes
Enhancement due to four 1660 agreed orders, one findings order, one state court order without denial of liability, ten same or similar NOVs and four dissimilar NOVs. Reduction for one Notice of Audit and one Disclosure of Violations.

Culpability Enhancement **Subtotal 4**

Notes
The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance **Capped at the Total EB \$ Amount*

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

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction Adjustment

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	10	50%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 190%

>> 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 due to four 1660 agreed orders, one findings order, one state court order without denial of liability, ten same or similar NOVs and four dissimilar NOVs. Reduction for one Notice of Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 190%

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media (Statute) Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 115.725(c)(1) and (c)(2) and 122.143(4), Federal Operating Permit No. O-01544, Special Conditions No. 1A, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to continuously monitor two pressure safety valves, 14PSV-1320 and 14PSV-1321, that vent directly to the atmosphere. The pressure valves are in Highly Reactive Volatile Organic Compound ("HRVOC") service and were required to be continuously monitored beginning December 31, 2005; however, these two valves were discovered in 2009 to not be continuously monitored.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment had the potential to be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 16

1459 Number of violation days

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

Violation Base Penalty \$40,000

Sixteen quarterly events are recommended for the two valves that were not included in the monitoring program from 2006 to 2009.

Good Faith Efforts to Comply

10.0% Reduction

\$4,000

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

Notes The Respondent completed the corrective actions on February 10, 2010 after the October 20, 2009 NOE.

Violation Subtotal \$36,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$823

Violation Final Penalty Total \$112,000

This violation Final Assessed Penalty (adjusted for limits) \$112,000

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Req. Ent. Reference No.: RN100716661
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,000	31-Dec-2005	10-Feb-2010	4.12	\$823	n/a	\$823

Notes for DELAYED costs

Estimated cost to continuously monitor two pressure relief valves in HRVOC service. The date required is based on the date the requirement became effective. The final date is the 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

\$4,000

TOTAL

\$823

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PGW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38852

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 101.20(1) and 101.221(a), Air Permit Nos. 56389 and 20246, Special Conditions No. 1, 40 Code of Federal Regulations ("CFR") § 60.18(c)(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 11,100.12 pounds ("lbs") of volatile organic compounds ("VOC"), including 4,426.11 lbs of HRVOC were released when the Respondent failed to prevent a flame-out of the West Flare pilots, resulting in an emissions event which began on August 21, 2009 and lasted for 45 minutes (Incident No. 128497). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met. The failure to operate with a flame or pilot flame at all times was also a violation of the state and federal standards.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	X
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The corrective actions were completed on August 23, 2009 prior to the December 8, 2009 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$26,500

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

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Reg. Ent. Reference No.: RN100716661
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
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	\$500	21-Aug-2009	23-Aug-2009	0.01	\$0	N/A	\$0
Remediation/Disposal				0.00	\$0	N/A	\$0
Permit Costs				0.00	\$0	N/A	\$0
Other (as needed)	\$10,000	21-Aug-2009	23-Aug-2009	0.01	\$3	N/A	\$3

Notes for DELAYED costs

Estimated cost for the repair of the malfunctioning pressure regulator and revision of procedures to ensure extra caution for steam usage in the flare during coker operation. The date required is based on the date of the emissions event. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,500

TOTAL

\$3

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c), 101.20(1) and 101.221(a), Air Permit Nos. 56389 and 20246, Special Conditions No. 1, 40 CFR § 60.18(c)(2), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 2,937.92 lbs of VOC, including 1,149 lbs of HRVOCs were released when the Respondent failed to prevent a flame-out of the West Flare pilots, resulting in an emissions event which began on August 23, 2009 and lasted for 10 minutes (Incident No. 128511). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met. The failure to operate with a flame or pilot flame at all times was also a violation of the state and federal standards.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based upon the emissions event that began on August 23, 2009.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed the corrective actions on August 23, 2009 prior to the December 8, 2009 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,625

This violation Final Assessed Penalty (adjusted for limits) \$6,625

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Req. Ent. Reference No.: RN100716661
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
No comments 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 2.

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

\$0

TOTAL

\$0

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716861

Media (Statute) Air

Enf. Coordinator Nadia Hameed

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 115.782(c)(2), (c)(2)(A), (c)(2)(A)(i) and (ii) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to demonstrate the requirements for placing a leaking valve on delay of repair ("DOR"). Specifically, a leaking valve (Tag No. 402943), which was in HRVOC service, was discovered leaking on November 17, 2005 and was placed in DOR on December 2, 2005; however, it was not demonstrated that there was a safety, mechanical, or major environmental concern posed by repairing the leak by using extraordinary efforts; the valve was not repaired or replaced at the next scheduled unit shutdown which occurred in 2008; and extraordinary efforts to repair the leaking valve were not conducted until November 24, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment had the potential to be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1438 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended for one valve for which repair was delayed.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondent does not meet the good faith criteria.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$679

Violation Final Penalty Total \$7,250

This violation Final Assessed Penalty (adjusted for limits) \$7,250

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Req. Ent. Reference No.: RN100716661
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	17-Dec-2005	24-Nov-2009	3.94	\$7	\$131	\$138
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)	\$2,000	17-Dec-2005	14-May-2011	5.41	\$541	n/a	\$541

Notes for DELAYED costs

Estimated cost for repairing and monitoring the valve (\$500) and implementing procedures to ensure that extraordinary repair attempts are made timely on valves in HRVOC service (\$2000). The date required is based on the initial date of non-compliance. The final dates are the date the corrective actions were completed and are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$679

Screening Date: 29-Dec-2009

Docket No: 2009-1807-AIR-E

PCW

Respondent: Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No.: 38852

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100716661

Media [Statute]: Air

Enf. Coordinator: Nadia Hameed

Violation Number: 5

Rule Cite(s)

30 Tex. Admin. Code § 115.782(c)(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct an extraordinary repair attempt within 30 days or isolate a leaking valve (Tag No. 402943) from the process and to remove it from HRVOC service. Specifically, the leaking valve was placed in DOR on December 2, 2005; however, the valve was not isolated from the process and continued to be in HRVOC service until the valve was repaired on November 24, 2009, resulting in the release of approximately 8,543.97 lbs of VOC.

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: 16

1438 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$40,000

Sixteen quarterly events are recommended based upon the start date of the violation on December 17, 2005 to November 24, 2009 when the leak was repaired.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/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: \$40,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$0

Violation Final Penalty Total: \$116,000

This violation Final Assessed Penalty (adjusted for limits): \$116,000

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Reg. Ent. Reference No.: RN100716661
Media: Air
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit under Violation No. 4.

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

\$0

TOTAL

\$0

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Standard Permit Registration No. 82764, Air Quality Standard Permit for Boilers Condition No. (4)(B)(ii) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the nitrogen oxides ("NOx") emission limit of 0.036 pound per million British thermal units ("lb/MMBtu") heat input for the temporary boiler, Emissions Point Number ("EPN") TMPBLR001. Specifically, during a May 21, 2008 stack test, the NOx emissions limit for EPN TMPBLR001 was determined to be 0.041 lb/MMBtu of heat input. The temporary boiler was shutdown on August 23, 2008, resulting in the release of approximately 1,132 lbs of NOx emissions.

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 Number of violation days 94

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

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the May 21, 2008 non-complaint stack test date to August 23, 2008, the date EPN TMPBLR001 was shutdown.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent completed corrective actions on August 23, 2008 prior to the May 28, 2010 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$103

Violation Final Penalty Total \$13,250

This violation Final Assessed Penalty (adjusted for limits) \$13,250

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Reg. Ent. Reference No.: RN100716661
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$8,000	21-May-2008	23-Aug-2008	0.26	\$103	n/a	\$103

Notes for DELAYED costs

Estimated cost to remove EPN TMPBLR001 from service. The date required is the date of the non-compliant stack test. The final date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$103

Screening Date 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Air Permit No. 56389, Special Conditions No. 1, and Tex. Health & Safety Code § 382.065(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 2,306.09 lbs of carbon monoxide, 314.24 lbs of NOx, and 2,231.73 lbs of VOCs including 1,216.12 lbs of HRVOCs were released when the Respondent failed to prevent buildup of material that prevented the process control valve 3213 from seating properly, resulting in an emissions event which began on April 16, 2010 and lasted for 4 hours (Incident No. 138630). Since the emissions event was reported late, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to 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

1

1

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes

The Respondent completed the corrective actions on September 13, 2010, after the August 23, 2010, NOE

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$7,000

This violation Final Assessed Penalty (adjusted for limits) \$7,000

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38852
Reg. Ent. Reference No.: RN100716861
Media: Air
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included with Violation No. 8 since the loss of affirmative defense was solely due to late reporting.

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

\$0

TOTAL

\$0

Screening Date: 29-Dec-2009

Docket No. 2009-1807-AIR-E

PCW

Respondent: Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 38652

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 8

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

Violation Description: Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 138630 was discovered on April 16, 2010 but was not reported until April 19, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes: 100 percent of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

	1	3	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	X	

Violation Base Penalty \$2,500

One single event is recommended for the one late report.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes: The Respondent completed the corrective actions on September 13, 2010, after the August 23, 2010 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$7,000

This violation Final Assessed Penalty (adjusted for limits) \$7,000

Economic Benefit Worksheet

Respondent: Pasadena Refining System, Inc
Case ID No.: 38652
Req. Ent. Reference No.: RN100718661
Media: Air
Violation No.: B

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	\$400	16-Apr-2010	13-Sep-2010	0.41	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for training to correctly calculate emissions and timely report emissions events. Date required based on the date of the emissions event. Final date based on the date the corrective actions were completed.

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

\$400

TOTAL

\$8

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603137605 Pasadena Refining System, Inc	Classification: AVERAGE	Rating: 2.43
Regulated Entity:	RN100716661 PASADENA REFINING SYSTEM	Classification: AVERAGE	Site Rating: 5.81

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0175D
	AIR OPERATING PERMITS	PERMIT	1544
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008091290
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30311
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50112
	WASTEWATER	PERMIT	WQ0000574000
	WASTEWATER	PERMIT	TPDES0004626
	WASTEWATER	PERMIT	TX0004626
	AIR NEW SOURCE PERMITS	PERMIT	3776
	AIR NEW SOURCE PERMITS	PERMIT	5639
	AIR NEW SOURCE PERMITS	PERMIT	5953
	AIR NEW SOURCE PERMITS	PERMIT	6059
	AIR NEW SOURCE PERMITS	PERMIT	12244
	AIR NEW SOURCE PERMITS	REGISTRATION	13494
	AIR NEW SOURCE PERMITS	REGISTRATION	14133
	AIR NEW SOURCE PERMITS	PERMIT	20246
	AIR NEW SOURCE PERMITS	PERMIT	21261
	AIR NEW SOURCE PERMITS	PERMIT	22039
	AIR NEW SOURCE PERMITS	PERMIT	26891
	AIR NEW SOURCE PERMITS	REGISTRATION	29623
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0175D
	AIR NEW SOURCE PERMITS	REGISTRATION	76022
	AIR NEW SOURCE PERMITS	PERMIT	76192
	AIR NEW SOURCE PERMITS	AFS NUM	4820100006
	AIR NEW SOURCE PERMITS	REGISTRATION	74742
	AIR NEW SOURCE PERMITS	REGISTRATION	15114
	AIR NEW SOURCE PERMITS	REGISTRATION	29628
	AIR NEW SOURCE PERMITS	REGISTRATION	37094
	AIR NEW SOURCE PERMITS	REGISTRATION	37366
	AIR NEW SOURCE PERMITS	REGISTRATION	42375
	AIR NEW SOURCE PERMITS	REGISTRATION	42719
	AIR NEW SOURCE PERMITS	REGISTRATION	71605
	AIR NEW SOURCE PERMITS	PERMIT	80804
	AIR NEW SOURCE PERMITS	REGISTRATION	81553

AIR NEW SOURCE PERMITS	REGISTRATION	44511
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1096
AIR NEW SOURCE PERMITS	PERMIT	56389
AIR NEW SOURCE PERMITS	REGISTRATION	87919
AIR NEW SOURCE PERMITS	REGISTRATION	89587
AIR NEW SOURCE PERMITS	REGISTRATION	84630
AIR NEW SOURCE PERMITS	EPA ID	PSDTX1109
AIR NEW SOURCE PERMITS	REGISTRATION	82764
AIR NEW SOURCE PERMITS	REGISTRATION	87987
AIR NEW SOURCE PERMITS	REGISTRATION	92237
AIR NEW SOURCE PERMITS	REGISTRATION	91511
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	HG0175D
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30311
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50112
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50112
STORMWATER	PERMIT	TXR15IL71
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0175D

Location: 111 RED BLUFF RD, PASADENA, TX, 77506

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 24, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 25, 2005 to June 24, 2010

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

Name: Nadia Hameed Phone: 713-767-5417

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? Yes
3. If Yes, who is the current owner/operator?
OWNOPR
N/A
Pasadena Refining System, Inc
4. If Yes, who was/were the prior owner(s)/operator(s) ?
OWNOPR Pasadena Refining System, Inc.
N/A
5. When did the change(s) in owner or operator occur?
01/12/2007 OWNOPR Pasadena Refining System, Inc.
N/A
- 6.

Components (Multimedia) for the Site :

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

Effective Date: 04/07/2006

COURTORDER

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: Emission Sources - MAERT PERMIT

Description: Crown failed to comply with the Emission Sources MAERT as authorized by the permit for Tank No. 332 (EPN T-332).

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: Emission Sources - MAERT PERMIT

Description: Crown failed to comply with the Emission Sources MAERT as authorized by the permit for Reformer No. 3 (EPN HTREF2631).

Effective Date: 02/18/2007

ADMINORDER 2006-0664-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 20246, Special Condition 4 PERMIT

Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: TCEQ Permit No. 5953, MAERT PERMIT

Description: Failure to prevent unauthorized emissions from an avoidable emissions event.

Classification: Minor

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

Description: Failure to provide notification of a reportable emissions event within 24 hours of discovery.

Effective Date: 10/04/2007

ADMINORDER 2006-2193-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 20246, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an initial notification of an emissions event within the 24-hour period.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: No. 20246, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an initial notification of an emissions event within the 24-hour period

Effective Date: 04/05/2009

ADMINORDER 2008-1554-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.393(b)

Description: Failed to hold the required levels of HRVOC allowances for the January 1, 2007 to December 31, 2007 control period in their compliance account by March 1, 2008. Specifically, the Respondent needed 93 tons of HRVOC allowances in their compliance account by March 1, 2008 but did not obtain the allowances until March 31, 2008.

Effective Date: 04/20/2009

ADMINORDER 2008-0621-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01544, ST&C 16 OP
FOP O-01544, ST&C 1A OP
Permit 20246, Special Condition 5 PERMIT

Description: Failure to repair seal gaps within 45 days.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to comply with the emissions event reporting requirements.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: failed to comply with the emissions event and record keeping requirements

Effective Date: 10/18/2009

ADMINORDER 2008-0050-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 76192, Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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	07/05/2005	(394416)
2	07/11/2005	(440748)
3	07/22/2005	(394059)
4	08/10/2005	(373721)
5	08/17/2005	(403174)
6	08/24/2005	(403097)
7	08/25/2005	(440749)
8	09/12/2005	(440750)
9	10/14/2005	(468284)
10	11/21/2005	(468285)
11	12/22/2005	(468286)
12	01/20/2006	(468287)
13	02/08/2006	(454548)
14	02/10/2006	(468282)
15	02/14/2006	(454565)
16	02/27/2006	(407010)
17	02/27/2006	(407360)
18	02/27/2006	(418333)
19	03/13/2006	(468283)
20	04/20/2006	(498096)
21	05/11/2006	(457075)
22	05/18/2006	(498097)
23	05/22/2006	(459365)
24	05/22/2006	(462966)
25	05/23/2006	(462971)
26	05/26/2006	(462753)
27	06/22/2006	(498098)
28	06/30/2006	(483088)
29	06/30/2006	(483478)
30	07/21/2006	(520114)
31	07/31/2006	(484233)
32	08/21/2006	(520115)
33	09/01/2006	(482950)
34	09/15/2006	(490299)
35	09/15/2006	(510015)
36	09/27/2006	(520116)
37	10/05/2006	(513823)
38	10/13/2006	(512280)
39	10/19/2006	(544373)
40	11/16/2006	(517348)
41	11/30/2006	(544374)
42	12/12/2006	(532836)
43	12/18/2006	(544375)
44	12/20/2006	(533720)
45	12/21/2006	(533545)
46	01/22/2007	(544376)
47	01/23/2007	(535901)
48	02/05/2007	(536180)
49	02/14/2007	(533928)
50	03/01/2007	(575114)
51	03/22/2007	(575115)
52	04/23/2007	(575116)
53	05/16/2007	(575117)
54	06/13/2007	(575118)
55	07/11/2007	(575119)

56 08/17/2007 (601551)
57 08/20/2007 (571080)
58 08/23/2007 (564192)
59 09/19/2007 (601552)
60 10/12/2007 (601553)
61 11/05/2007 (598483)
62 11/15/2007 (619457)
63 12/14/2007 (619458)
64 12/17/2007 (595574)

65 01/15/2008 (619459)
66 01/25/2008 (615887)
67 02/13/2008 (671968)
68 03/12/2008 (671969)
69 03/24/2008 (639888)
70 03/27/2008 (617768)
71 04/08/2008 (671970)
72 04/16/2008 (615131)
73 04/22/2008 (653441)
74 05/07/2008 (689884)
75 06/03/2008 (681376)
76 06/10/2008 (689885)
77 06/19/2008 (683357)
78 07/18/2008 (710662)
79 08/06/2008 (710663)
80 08/11/2008 (656875)
81 08/27/2008 (688669)
82 09/17/2008 (689585)
83 10/15/2008 (710664)
84 10/15/2008 (710665)
85 11/13/2008 (727430)
86 12/04/2008 (709391)
87 12/15/2008 (727431)
88 12/29/2008 (709049)
89 01/27/2009 (750191)
90 01/30/2009 (722435)
91 02/11/2009 (725915)
92 02/11/2009 (750188)
93 02/12/2009 (726009)
94 03/03/2009 (750189)
95 03/13/2009 (688666)
96 04/03/2009 (726720)
97 04/03/2009 (735467)
98 04/14/2009 (750190)
99 05/12/2009 (768297)
100 06/08/2009 (768298)
101 06/24/2009 (747059)
102 07/07/2009 (748829)
103 07/24/2009 (804471)
104 08/04/2009 (748852)
105 08/06/2009 (740762)
106 08/06/2009 (764795)
107 08/07/2009 (827782)
108 08/12/2009 (765545)
109 08/19/2009 (804472)
110 08/21/2009 (749780)
111 08/31/2009 (766621)
112 09/08/2009 (804473)
113 10/19/2009 (804474)

114 10/20/2009 (776192)
115 10/23/2009 (760509)
116 11/19/2009 (782550)
117 11/19/2009 (782991)
118 11/19/2009 (804475)
119 12/08/2009 (779828)
120 12/08/2009 (781265)
121 12/11/2009 (804476)
122 12/17/2009 (778067)
123 12/22/2009 (785253)

124 01/18/2010 (804477)
125 01/22/2010 (787939)
126 01/28/2010 (788934)
127 02/15/2010 (804470)
128 04/13/2010 (793360)
129 04/30/2010 (800905)
130 05/28/2010 (792565)
131 06/14/2010 (825483)
132 06/17/2010 (824742)

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

Date: 05/11/2006 (457075) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
TCEQ Permit 20246, Special Condition 7 PERMIT
Description: Failure to prevent excess opacity.

Date: 05/31/2006 (462753)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to comply with the EE reporting requirements.

Date: 06/30/2006 (483088) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions.

Date: 07/31/2006 (484233) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 20246, Special Condition 4 PERMIT
Description: Failure to prevent unauthorized emissions.

Date: 01/23/2007 (535901) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 20246, Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to notify the TCEQ Houston Region office of a reportable emissions event
within 24 hours of its discovery.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Failure to include in the final report of a reportable emissions event, the authorized emission limits and preconstruction authorization of the facility involved in the emissions event.

Date: 07/31/2007 (601551)
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: 10/31/2007 (619457)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/14/2008 (615131)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)
5C THSC Chapter 382 382.085(b)
Description: Exceeded the 60 day time limit to submit a stack test report.

Date: 08/11/2008 (656875) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR Permit 56389, GC 8 PERMIT
NSR Permit 56389, SC 1 PERMIT
Description: Failure to maintain hourly emission limits for ethylene for the East Flare (EPN FLRFNEAST).

Date: 03/13/2009 (688666) CN603137605
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP
O-01544, SC 16 OP
SC 1 PERMIT
SC 12 PERMIT
SC 4 PERMIT
Description: failed to meet the 0.10 grains of H2S content per dry standard cubic feet in the fuel gas for the Combustion Devices (FCCHT002, BLRHT010 and BLRHT004), the Vapor Combustor (DOKIN001), and the Reformer No. 3 Combined Heaters (REFHT2631)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 18C PERMIT

Description: failed to maintain records of total quantities loaded for each product on a monthly basis as a 12-month rolling total.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

O-01544, SC16 OP
SC 12 PERMIT

Description: **failed to meet the hourly average in-stack concentration of sulfur dioxide (SO2) of 250 parts per million by volume (ppmv) from the Tail Gas Incinerator (TGI) (SRUIN001)**

Self Report? **NO** Classification: **Moderate**

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 8 PERMIT

Description: **failed to meet the minimum sulfur recovery efficiency of 99.8% averaged on a rolling 24-hour period for the Tail Gas Incinerator (SRUIN001)**

Self Report? **NO** Classification: **Moderate**

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 5 PERMIT

Description: **failed to maintain a minimum flame temperature of 2300 degree F for the Sulfur Recovery Unit (SRU) Thermal Reactor (SRUIN001)**

Self Report? **NO** Classification: **Minor**

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: **failed to make daily notations of daily flare observations for the East Flare (RFNFLEAST) and the West Flare (RFNFLWEST)**

Self Report? **NO** Classification: **Moderate**

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP
O-01544, SC 16 OP
SC 15 PERMIT

Description: **failed to limit visible emissions from the East Flare (RFNFLEAST) and the West Flare (RFNFLWEST) to no more than five minutes during any two consecutive hours**

Self Report? **NO** Classification: **Moderate**

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 13 PERMIT

Description: **failed to maintain the maximum firing rate of the carbon monoxide (CO) Boiler to 310 MMBtu/hr**

Self Report? **NO** Classification: **Moderate**

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 115, SubChapter H 115.726(b)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: **failed to maintain hourly records of HRVOC emission rates for each affected vent gas stream monitored and failed to demonstrate compliance with the hourly highly reactive volatile organic compounds (HRVOC) emission cap from any flare, vent, pressure relief valve, cooling tower, or any combination during the certification period October 26, 2006 through September 30, 2007**

Self Report? **NO** Classification: **Moderate**

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: **failed to continuously monitor operational parameters for vent gas streams that**

are not controlled by a flare during the certification period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to develop, implement, and follow a written monitoring plan for continuous monitoring systems for vent gas streams that are not controlled by a flare during the certification period

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 115, SubChapter H 115.725(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: **failure to continuously monitor two affected pressure safety valves (PSVs) 14PSV-1321 and 14PSV-1320 that vent directly to the atmosphere**

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to develop, implement, and follow a written monitoring plan for continuous monitoring systems for pressure relief valves that are not controlled by a flare

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to take samples daily within ten hours of the initial on-line analyzer malfunction for affected flares (the East Flare and the West Flare) during any period of monitor downtime of the analyzers exceeding eight consecutive hours

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(l)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to continuously monitor applicable flare, vent gas stream, or pressure relief valve at least 95% of the operational time, averaged over a calendar year

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to develop, implement, and follow a written quality assurance plan for continuous monitoring systems for the East Flare and the West Flare

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to develop, implement, and follow a written quality assurance plan for the monitoring systems for the cooling towers (FUCTWALK and FUCTWCPX)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to properly operate a continuous flow monitor on each inlet of the Complex Cooling Tower (FUCTWCPX) during the certification period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to perform sampling for total and speciated HRVOC analysis within 24 hours of analyzer failures at least three times per calendar week for the Cooling Towers (FUCTWALK and FUCTWCPX)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

Description: failed to continuously operate each monitoring system at least 95% of the operational time averaged over a calendar year for the Cooling Towers (FUCTWALK and FUCTWCPX)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 6 PERMIT

Description: failed to maintain a pH at or above 8 for the Sorbent Regeneration System Caustic Scrubber scrubbing solution in 493 incidences

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
40 CFR Chapter 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 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)(1)
5C THSC Chapter 382 382.085(b)

O-01544, SC 1.A OP
O-01544, SC 16 OP
SC 15E PERMIT
SC 6E PERMIT
SE 6E PERMIT

Description:) failed to equip open-ended lines (OELs) with a plug or cap in 399 incidences

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 6 PERMIT

Description: failed to limit the nitrogen oxides (NOx) hourly emission rate to 0.06 lb/MMBtu and the carbon monoxide (CO) hourly emission rate to 0.07 lb/MMBtu for the Boiler (BLRHT004)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 2 PERMIT

Description: failed to limit the NOx hourly emission rate to 0.06 lb/MMBtu for the Reformer #3 Heaters (REFHT2631)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, 1.A PERMIT

Description: failed to keep records of the conditions of the tanks prior to being loaded and the prior cargo carried by the marine vessel

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 PERMIT

SC 4 PERMIT

Description: failed to maintain the minimum O2 level of 3 percent in the tail gas incinerator stack (INSRU001) and the minimum incinerator firebox temperature of 1250 degree F

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2386
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to submit the first compliance report under 40 CFR 63, Subpart EEEE within the required time frame

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01544, General Terms and Conditions PERMIT

Description: failed to include six deviations in the deviation report submitted May 24, 2007 for the period of October 26, 2006 to April 25, 2007

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(E)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to ensure there were no visible holes, tears, or other openings in any seal or seal fabric for Internal Floating Roof Tank 097 (TKFTK097)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.113a(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to provide notification of intent to perform gap seal measurements for five tanks (TKFTK824, TKFTK825, TKFTK826, TKFTK830, and TKFTK831) within the 30-day deadline

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to maintain vapor pressure records of the VOC for the months of October 2006 and April 2007 where the averaged VOC loaded were greater than 20,000 gallons per day

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to repair a leaking valve within the required time frame

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to maintain visible emissions to be within the opacity limit of 30% for a steam boiler (HTBLR010)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

Description: failed to conduct visual internal inspections of Tank 097 (TKFTK097) at least once every 10 years

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
5C THSC Chapter 382 382.085(b)

O-01544, SC 1.A PERMIT

Description: failed to conduct visual internal inspections on eight external floating roof tanks at least once every 5 years

Date: 08/04/2009 (748852) CN603137605

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.545
5C THSC Chapter 382 382.085(b)

Description: Failure to degas storage tanks 343 and 818 properly in accordance with 30 TAC 115.545.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: **Failure to maintain a control efficiency of at least 90% during tank degassing.**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.542(a)(5)
5C THSC Chapter 382 382.085(b)

Description: Failure to turn over four volumes in accordance with tank degassing rules 30 TAC 115.541(a)(1)(B).

Date: 08/07/2009 (827782)

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: 08/07/2009 (740762) CN603137605

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

Description: PRSI failed to include a recordable emissions event in the deviation report dated June 15, 2009.

Date: 08/21/2009 (749780) CN603137605

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 3B PERMIT

Description: **Failure to repair a pump on the delay of repair list within six months of being placed on delay of repair. [Category C4 violation]**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 3B PERMIT

Description: **Failure to repair a valve on the delay of repair list during a unit shutdown [Category B18 violation]**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 3B PERMIT

Description: Failure to repair two leaking valves within 15 days of the date they were found

to be leaking [Category C4 violation]

F. Environmental audits.

Notice of Intent Date: 04/09/2007 (558490)
Disclosure Date: 05/23/2007

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 115, SubChapter H 115.725(d)(1)

Description: Failure to accurately maintain/record flare flow data. Specifically, field readings do not match flow rates measured by the flare monitoring system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(2)

Description: Failure to properly calibrate the Oxygen analyzers quarterly, which are used for parametric monitoring of vent gas streams not routed to the flare.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(B)

Description: Failure of the flare analyzer to correct (calculations) for water content in measuring mass emission rates or heating values.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(5)(G)
30 TAC Chapter 115, SubChapter H 115.766(a)(2)

Description: Failure to maintain records of quarterly three-point calibrations for flares and cooling towers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.766(e)

Description: Failure to create/maintain record of manufacturer's pump rating to demonstrate monitoring exemption for Udex cooling tower.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter H 115.766(f)

Description: Failure to obtain approval from TCEQ for use of sparger as equivalent HRVOC monitoring system for cooling tower.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.766(a)(3)

Description: Failure to maintain accurate cooling tower emission calculations which do not employ half detection limit for HRVOC's that are determined to be below the minimum detection limit. Also calculations are based on assumption of constant flow of stripping gas and water, and observation of streams indicates that flow is not constant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(4)

Description: Failure to collect monthly speciated HRVOC samples for Udex cooling tower.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on September 11, 2009, TCEQ staff documented that the Respondent failed to continuously monitor two pressure safety valves, 14PSV-1320 and 14PSV-1321, that vent directly to the atmosphere. The pressure valves are in Highly Reactive Volatile Organic Compound ("HRVOC") service and were required to be continuously monitored beginning December 31, 2005; however, these two valves were discovered in 2009 to not be continuously monitored.
4. During a record review conducted on October 21, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 11,100.12 pounds ("lbs") of volatile organic compounds ("VOC"), including 4,426.11 lbs of HRVOCs were released when the Respondent failed to prevent a flame-out of the West Flare pilots, resulting in an emissions event which began on August 21, 2009 and lasted for 45 minutes (Incident No. 128497).
5. During a record review conducted on October 21, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 2,937.92 lbs of VOC, including 1,149 lbs of HRVOCs were released when the Respondent failed to prevent a flame-out of the West Flare pilots, resulting in an emissions event which began on August 23, 2009 and lasted for 10 minutes (Incident No. 128511).
6. During a record review conducted on December 1, 2009, TCEQ staff documented that the Respondent failed to demonstrate the requirements for placing a leaking valve on delay of repair ("DOR"). Specifically, a leaking valve (Tag No. 402943), which was in HRVOC service, was discovered leaking on November 17, 2005 and was placed in DOR on December 2, 2005; however, it was not demonstrated that there was a safety, mechanical, or major environmental concern posed by repairing the leak by using extraordinary efforts; the valve was not repaired or replaced at the next scheduled unit shutdown which occurred in 2008; and extraordinary efforts to repair the leaking valve were not conducted until November 24, 2009.
7. During a record review conducted on December 1, 2009, TCEQ staff documented that the Respondent failed to conduct an extraordinary repair attempt within 30 days or isolate a leaking valve (Tag No. 402943) from the process and to remove it from HRVOC service. Specifically, the leaking valve was placed in DOR on December 2, 2005; however, the valve was not isolated from the process and continued to be in HRVOC service until the valve was repaired on November 24, 2009, resulting in the release of approximately 8,543.97 lbs of VOC.
8. During an investigation completed on April 19, 2010, TCEQ staff documented that during a May 21, 2008 stack test the nitrogen oxides ("NOx") emission limit for temporary boiler, Emission Point Number ("EPN") TMPBLR001 was determined to be 0.041 pound per million British thermal units ("lb/MMBtu") of heat input, resulting in the release of approximately 1,132 lbs of NOx emissions.

9. During an investigation conducted on June 23, 2010, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, 2,306.09 lbs of carbon monoxide, 314.24 lbs of NO_x, and 2,231.73 lbs of VOCs including 1,216.12 lbs of HRVOCs were released when the Respondent failed to prevent buildup of material that prevented the process control valve 3213 from seating properly, resulting in an emissions event which began on April 16, 2010 and lasted for 4 hours (Incident No. 138630).
10. During an investigation conducted on June 23, 2010, TCEQ staff documented that the Respondent failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, Incident No. 138630 was discovered on April 16, 2010 but was not reported until April 19, 2010.
11. The Respondent received notices of the violations on October 25, 2009, December 13 and 22, 2009 and June 2, 2010.
12. The Executive Director recognizes that the the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 23, 2008, the temporary boiler, EPN TMBLR001, was shut down;
 - b. On August 23, 2009, the malfunctioning pressure regulator was repaired and procedures were revised to ensure that extra caution for steam usage in the flare is taken during Coker operation in order to prevent a recurrence of emissions events due to the same cause as Incident Nos. 128497 and 128511;
 - c. On November 24, 2009, the leaking valve in HRVOC service was repaired and re-monitored to ensure that it was no longer leaking;
 - d. On February 10, 2010, a monitoring system was put into operation to monitor HRVOC releases from pressure safety valves 14PSV-1320 and 14PSV-1321; and
 - e. On September 13, 2010, the process engineers involved in emissions event calculations were retrained to ensure that all reportable emissions events are identified and reported in a timely manner.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to continuously monitor two pressure safety valves that vent directly to the atmosphere, in violation of 30 TEX. ADMIN. CODE §§ 115.725(c)(1) and (c)(2) and 122.143(4), Federal Operating Permit No. O-01544, Special Conditions No. 1A, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during Incident No. 128497, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(1) and 101.221(a), Air Permit Nos. 56389 and 20246, Special Conditions No. 1, 40 Code of Federal Regulations ("CFR") § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions during Incident No. 128511, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 101.20(1) and 101.221(a), Air Permit Nos. 56389 and 20246, Special Conditions No. 1, 40 CFR § 60.18(c)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable by better operations practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to demonstrate the requirements for placing a leaking valve on DOR, in violation of 30 TEX. ADMIN. CODE § 115.782(c)(2), (c)(2)(A), (c)(2)(A)(i) and (ii) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to conduct an extraordinary repair attempt within 30 days or isolate a leaking valve, in violation of 30 TEX. ADMIN. CODE § 115.782(c)(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to comply with the NOx emission limit of 0.036 lb/MMBtu heat input for EPN TMPBLR001, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Standard Permit Registration No. 82764, Air Quality Standard Permit for Boilers Condition No. (4)(B)(iii) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 56389, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
9. As evidenced by Findings of Fact No. 10, the Respondent failed to submit the initial notification for a reportable emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

11. An administrative penalty in the amount of Two Hundred Seventy-Nine Thousand One Hundred Twenty-Five Dollars (\$279,125) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Two Hundred Seventy-Nine Thousand One Hundred Twenty-Five Dollar (\$279,125) administrative penalty.

III. ORDERING PROVISIONS

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

1. The the Respondent is assessed an administrative penalty in the amount of Two Hundred Seventy-Nine Thousand One Hundred Twenty-Five Dollars (\$279,125) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pasadena Refining System, Inc, Docket No. 2009-1807-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 the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that the requiremnts for placing a leaking valve on DOR are demonstrated and extraordinary repair attempts are made on valves in HRVOC service; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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

The certification shall be submitted to:

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

with a copy to:

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

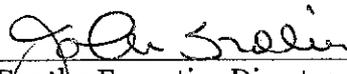
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 4/26/2011

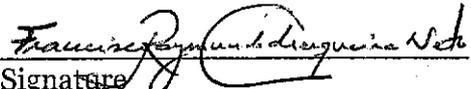
I, the undersigned, have read and understand the attached Agreed Order in the matter of Pasadena Refining System, Inc. I am authorized to agree to the attached Agreed Order on behalf of Pasadena Refining System, Inc, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

FRK. 
Signature

Date 01/12/2011


FRANCISCO RAYMUNDO DE CERQUEIRA NETO
Name (Printed or typed)
Authorized Representative of
Pasadena Refining System, Inc

Title CEO

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