

**Executive Summary – Enforcement Matter – Case No. 41217**

**Houston Refining LP**

**RN100218130**

**Docket No. 2011-0308-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Houston Refining, 12000 Lawndale Street, Houston, Harris County

**Type of Operation:**

Petroleum refinery

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2010-2029-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 17, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,568

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$5,284

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$5,284

Name of SEP: Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Maximum Limit Adjustment:** \$18,400

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41217  
Houston Refining LP  
RN100218130  
Docket No. 2011-0308-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 7, 2010

**Date(s) of NOE(s):** February 11, 2011

***Violation Information***

1. Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better operational practices and was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present affirmative defense were not met [30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 2167 and PSD-TX-985, Special Conditions No. 1].

2. Failed to submit the initial notification for Incident No. 147093 within 24 hours after the discovery of the event [30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures designed to prevent the recurrence of an emissions event due to the same cause as Incident No. 147093;

b. Within 30 days, implement measures designed to ensure the timely submittal of emissions event reports; and

c. Within 45 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 41217  
Houston Refining LP  
RN100218130  
Docket No. 2011-0308-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Todd Huddleson, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-2541; Laurie Eaves, Enforcement Division,  
MC 219, (512) 239-4495

**TCEQ SEP Coordinator:** N/A

**Respondent:** Todd Monette, Refinery Manager, Houston Refining LP, 12000  
Lawndale Street, Houston, Texas 77017

Robert Gardner, Principal Environmental Specialist, Houston Refining LP, 12000  
Lawndale Street, Houston, Texas 77017

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2011-0308-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Houston Refining LP

**Payable Penalty Amount:** Ten Thousand Five Hundred Sixty-Eight Dollars (\$10,568)

**SEP Amount:** Five Thousand Two Hundred Eighty-Four Dollars (\$5,284)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in

Houston Refining LP  
Agreed Order - Attachment A

Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

|              |          |             |           |             |         |  |
|--------------|----------|-------------|-----------|-------------|---------|--|
| <b>DATES</b> | Assigned | 14-Feb-2011 | Screening | 23-Feb-2011 | EPA Due |  |
|              | PCW      | 25-Feb-2011 |           |             |         |  |

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

|                                 |                 |                       |                    |
|---------------------------------|-----------------|-----------------------|--------------------|
| <b>CASE INFORMATION</b>         |                 |                       |                    |
| Enf./Case ID No.                | 41217           | No. of Violations     | 2                  |
| Docket No.                      | 2011-0308-AIR-E | Order Type            | Findings           |
| Media Program(s)                | Air             | Government/Non-Profit | No                 |
| Multi-Media                     |                 | Enf. Coordinator      | Todd Huddleson     |
|                                 |                 | EC's Team             | Enforcement Team 4 |
| Admin. Penalty \$ Limit Minimum | \$0             | Maximum               | \$10,000           |

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for eleven NOVs for same/similar violations, eleven NOVs with dissimilar violations, ten agreed orders with denial of liability, and eight agreed orders without denial of liability. Reduction for five Notice of Audit letters and two disclosures 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 23-Feb-2011

Docket No. 2011-0308-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 41217

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Todd Huddleson

**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)  | 11 | 55%  |
|                               | Other written NOVs   | 11 | 22%  |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 10 | 200% |
|                               | 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 | 8  | 200% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)                                       | 0  | 0%   |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0  | 0%   |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0  | 0%   |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0  | 0%   |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 5  | -5%  |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 2  | -4%  |

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) 468%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eleven NOVs for same/similar violations, eleven NOVs with dissimilar violations, ten agreed orders with denial of liability, and eight agreed orders without denial of liability. Reduction for five Notice of Audit letters and two disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 468%

Screening Date 23-Feb-2011

Docket No. 2011-0308-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 41217

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Todd Huddleson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Tex. Health & Safety Code § 382.085(b) and Flexible Permit Nos. 2167 and PSD-TX-985, Special Conditions No. 1

Violation Description

Failed to prevent the unauthorized release of 8,784 pounds of nitrogen oxides ("NOx") from the 732 Fluid Catalytic Cracking Unit ("FCCU"), Emission Point No. 732D0063, during an emissions event (Incident No. 147093) that began on October 11, 2010 and lasted 22 hours. The event was a result of an operator failing to reduce flue gas levels when the analyzer showed the FCCU NOx emission level to be high. Since this emissions event could have been avoided by better operational practices and 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 50%

>>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to a significant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

1 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$5,000

One monthly event is recommended based on the emissions event that began October 11, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$65

Violation Final Penalty Total \$28,400

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

## Economic Benefit Worksheet

**Respondent** Houston Refining LP  
**Case ID No.** 41217  
**Req. Ent. Reference No.** RN100218130  
**Media** Air  
**Violation No.** 1

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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)        | \$1,500 | 11-Oct-2010 | 22-Aug-2011 | 0.86 | \$65 | n/a | \$65 |

Notes for DELAYED costs

Estimated cost to implement policies and procedures to prevent a reoccurrence of similar events. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures are estimated 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

\$1,500

**TOTAL**

\$65

Screening Date 23-Feb-2011

Docket No. 2011-0308-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 41217

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Todd Huddleson

Violation Number 2

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

Violation Description Failed to submit the initial notification for Incident No. 147093 within 24 hours after the discovery of the event. Specifically, the initial notification was due October 12, 2010 but was not submitted until November 5, 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     | 1%      |

Matrix Notes At least 70% of the rule requirement has been met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 24

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$568

This violation Final Assessed Penalty (adjusted for limits) \$568

## Economic Benefit Worksheet

**Respondent** Houston Refining LP  
**Case ID No.** 41217  
**Req. Ent. Reference No.** RN100218130  
**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        |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Remediation/Disposal     |       |             |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        | \$250 | 12-Oct-2010 | 12-Oct-2011 | 1.00 | \$13 | n/a | \$13 |
| Other (as needed)        |       |             |             | 0.00 | \$0  | n/a | \$0  |

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure the timely submittal of emissions event reports. The Date Required is the date that the report was due. The Final Date is the estimated date that corrective measures will 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

\$250

**TOTAL**

\$13

# Compliance History

|   |  |                                  |                    |
|---|--|----------------------------------|--------------------|
| Customer/Respondent/Owner-Operator:           | CN601313083 Houston Refining LP        | Classification: AVERAGE          | Rating: 16.76      |
| Regulated Entity:                             | RN100218130 HOUSTON REFINING           | Classification: AVERAGE          | Site Rating: 16.76 |
| ID Number(s):                                 | AIR OPERATING PERMITS                  | ACCOUNT NUMBER                   | HG0048L            |
|   | AIR OPERATING PERMITS                  | PERMIT                           | 1372               |
|   | POLLUTION PREVENTION PLANNING          | ID NUMBER                        | P00404             |
|   | PETROLEUM STORAGE TANK REGISTRATION    | REGISTRATION                     | 78219              |
|   | AIR NEW SOURCE PERMITS                 | REGISTRATION                     | 92373              |
|   | AIR NEW SOURCE PERMITS                 | PERMIT                           | 2167               |
|   | AIR NEW SOURCE PERMITS                 | ACCOUNT NUMBER                   | HG0048L            |
|   | AIR NEW SOURCE PERMITS                 | REGISTRATION                     | 55719              |
|   | AIR NEW SOURCE PERMITS                 | AFS NUM                          | 4820100040         |
|   | AIR NEW SOURCE PERMITS                 | EPA ID                           | PSDTX985           |
|   | AIR NEW SOURCE PERMITS                 | REGISTRATION                     | 43445              |
|   | AIR NEW SOURCE PERMITS                 | REGISTRATION                     | 46595              |
|   | AIR NEW SOURCE PERMITS                 | REGISTRATION                     | 86815              |
|   | AIR NEW SOURCE PERMITS                 | REGISTRATION                     | 87937              |
|   | WASTEWATER                             | PERMIT                           | WQ0000392000       |
|   | WASTEWATER                             | EPA ID                           | TX0003247          |
|   | PUBLIC WATER SYSTEM/SUPPLY             | REGISTRATION                     | 1011570            |
|   | WATER LICENSING                        | LICENSE                          | 1011570            |
|   | INDUSTRIAL AND HAZARDOUS WASTE         | PERMIT                           | 50106              |
|   | INDUSTRIAL AND HAZARDOUS WASTE         | EPA ID                           | TXD082688979       |
|   | INDUSTRIAL AND HAZARDOUS WASTE         | SOLID WASTE REGISTRATION # (SWR) | 30092              |
|   | IHW CORRECTIVE ACTION                  | SOLID WASTE REGISTRATION # (SWR) | 30092              |
|   | AIR EMISSIONS INVENTORY                | ACCOUNT NUMBER                   | HG0048L            |
| Location:                                     | 12000 LAWNSDALE ST, HOUSTON, TX, 77017 |                                  |                    |
| TCEQ Region:                                  | REGION 12 - HOUSTON                    |                                  |                    |
| Date Compliance History Prepared:             | February 15, 2011                      |                                  |                    |
| Agency Decision Requiring Compliance History: | Enforcement                            |                                  |                    |
| Compliance Period:                            | February 15, 2006 to February 15, 2011 |                                  |                    |

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

Name: Todd Huddleson Phone: (512) 239-2541

### 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?
 

|        |                               |
|--------|-------------------------------|
| OWN    | A. J. Hurt, Jr., Incorporated |
| OWNOPR | Houston Refining LP           |
| OWNOPR | Arco Pipe Line Company        |
| OPR    | Houston Refining LP           |
4. If Yes, who was/were the prior owner(s)/operator(s)?
 

|     |                               |
|-----|-------------------------------|
| OWN | A. J. Hurt, Jr., Incorporated |
|-----|-------------------------------|
5. When did the change(s) in owner or operator occur?
 

|            |
|------------|
| 04/01/2010 |
|------------|
6. Rating Date: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

|                            |                            |
|----------------------------|----------------------------|
| Effective Date: 02/20/2006 | ADMINORDER 2005-0359-AIR-E |
| Classification: Moderate   |                            |

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to limit the hydrogen sulfide ("H<sub>2</sub>S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

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

Rqmt Prov: Flexible Permit #2167, SC #44B PA

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 47 PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #14.I PA

Description: Failed to repair three valves within 15 days of leak detection

Classification: Moderate

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

Rqmt Prov: Flexible Permit #2167, SC #37 PA

Description: Failed to maintain the sulfur dioxide ("SO<sub>2</sub>") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-ICN and TGU-ICN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA

Description: Failed to conduct the required inspections for three storage tanks.

Effective Date: 05/28/2006

ADMINORDER 2005-1985-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Effective Date: 06/15/2006 ADMINORDER 2005-2073-AIR-E  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Effective Date: 02/05/2007 ADMINORDER 2006-0811-AIR-E  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: No. 2167, SC #1 PERMIT  
Description: Failed to prevent unauthorized emissions on November 7, 2005.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT  
Description: Failed to prevent unauthorized emissions on March 21, 2006.  
Effective Date: 08/10/2007 ADMINORDER 2007-0440-AIR-E  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, 10,494 pounds ("lbs") of sulfur dioxide, 126 lbs of carbon monoxide and 22 lbs of hydrogen sulfide were released from the Magnaformer Unit and the Sulfur Recovery Complex during an emissions event that began January 4, 2007 and lasted nine hours and 45 minutes.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, 1,431 pounds ("lbs") of propane, 510 lbs of propylene and 11 lbs of butenes were released from Unit 234 during an avoidable emissions event that began January 9, 2007 and lasted eight hours.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, 8,205 pounds of the Highly Reactive Volatile Organic Compound ethylene were released from the Paraxylene Recovery Unit during an avoidable emissions event that began January 16, 2007 and lasted one hour and 55 minutes.  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Description: Failed to properly report the amount of ethylene emissions. Specifically, the final notification reported 7,650 lbs of ethylene were released as a result of the January 16, 2007 emissions event and the investigation determined that the actual emissions released were 8,205 lbs of ethylene.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, 189 lbs of propane, 530 lbs of propylene, 821 lbs of butanes, 1,064 lbs of butenes, 3,154 lbs of pentanes, 2,589 lbs of pentenes and 13,734 lbs of C6+ Hazardous Air Pollutants ("HAP") were released from the 732 Fluid Catalytic Cracking Unit ("FCCU") during  
Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 72 lbs of ethylene, 2,195 lbs of propane, 7,057 lbs of propylene, 11,000 lbs of butanes, 8,990 lbs of butenes, 4,110 lbs of pentanes and 23,328 lbs of C6+ HAPs were released from the 732 FCCU during an avoidable emissions event that began March 5, 2007

Effective Date: 10/04/2007

ADMINORDER 2007-0713-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 54,320 lbs of sulfur dioxide, 700 lbs of sulfur trioxide, 596 lbs of hydrogen sulfide, 304 lbs of ammonia and 76 lbs nitric oxide from the Sulfur Recovery Unit during an avoidable emissions event that began April 21, 2007 and lasted 16 hours and 45 minutes.

Classification: Minor

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

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

Effective Date: 12/20/2007

ADMINORDER 2006-1948-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

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

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

Effective Date: 07/21/2008

ADMINORDER 2007-1954-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter G 116.715(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 2167, SC #1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Effective Date: 10/23/2008 ADMINORDER 2008-0894-AIR-E

Classification: Moderate

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

Rqmt Prov: SC 1 PERMIT  
SC 26 PERMIT

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

Effective Date: 11/06/2008 ADMINORDER 2008-0674-MLM-E

Classification: Moderate

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

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

Description: Failed to operate six cooling tower heat exchange system HRVOC analyzers for the minimum 95% of the required operating time from April 1, 2006 through January 31, 2007.

Classification: Minor

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

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

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

Classification: Minor

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

Rqmt Prov: FOP# O-01372, SC #1A OP  
FOP# O-01372, SC# 28 OP  
NSR Permit # 2167, SC#29 PA

Description: Failed to demonstrate that flares were operated with a continuously operating pilot light. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0005) on September 19, 2005; Plant Flare No. 3 (338K0007) on November 17, 2005, December 1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP # O-01372, SC # 28 OP  
FOP # O-01372, SC #1A OP  
NSR Permit # 2167, SC #14E PA

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

Classification: Moderate

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

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

Description: Failed to perform monthly visual inspections to individual drain systems. Specifically, during

September and October 2005, one and five drain inspections was missed, respectively

Classification: Moderate

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

Rqmt Prov: FOP # O-01372, SC #28 OP  
NSR Permit # 2167, SC # 44B PA

Description: Failed to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid to-gas ratio ("L/G") of 16.0 gallons per 1000 actual cubic feet ("16.0 gal/1000 ft<sup>3</sup>"). Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1000 ft<sup>3</sup>, and the minimum pressure drop fell below 0.91 psi. from May 25 through 27, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
5C THSC Chapter 382 382.085(b)

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Minor

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP  
FOP# O-01372, SC# 28 OP  
NSR Permit# 2167, SC# 14I & 15H PA

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

Classification: Moderate

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

Rqmt Prov: FOP# O-01372, SC# 1A OP  
FOP# O-021372, SC# 28 OP  
NSR Permit# 2167, SC# 14I & 15H PA

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

Classification: Moderate

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

Rqmt Prov: FOP# O-01372, SC# 1A OP  
FOP# O-01372, SC# 28 OP  
NSR Permit # 2167, SC# 15F PA

Description: Failed to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006. Specifically, Houston Refining failed to monitor 71 valves on the 135 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the FCCU, and three valves in the 536, 537, and 736 Units from July 1, 2005 through December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to perform initial monitoring of approximately 651 connectors in HRVOC service. Specifically, approximately 350 Black Lake Unit and Propane/Propylene Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 301 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(g)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to repair three valves and two connectors in HRVOC service within seven days. Specifically, Houston Refining failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 938 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: FOP# O-01372, SC# 1A OP  
FOP# O-01372, SC# 28 OP  
NSR Permit# 2167, SC# 15F PA

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

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failed to prevent visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 536 F-1B IDAP failed causing the heater oxygen to fall causing visible smoke from the heater stack.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

Rqmt Prov: EFFLUENT LIMITS PERMIT

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

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 2,781 pounds of nitrogen oxide ("NOx") from the Fluid Catalytic Cracking Unit ("FCCU") during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, Houston Refining failed to meet the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,500 lbs of VOC, including 1,019 lbs of the HRVOC propylene, from the Butane Recovery Unit during an emissions event that began October 9, 2007 and lasted two hours. Since these emissions were

avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during a March 19, 2008 emissions event the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 lbs of sulfur dioxide, 1,902 lbs of VOC, 1,079 lbs of carbon monoxide, 154 lbs of NOx, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met.

Effective Date: 10/31/2009

ADMINORDER 2008-0790-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)  
5C THSC Chapter 382 382.085(b)

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(d)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)  
40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)  
5C THSC Chapter 382 382.085(b)

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

Effective Date: 12/18/2009

ADMINORDER 2009-0181-AIR-E

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PA

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

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

Effective Date: 07/11/2010

ADMINORDER 2010-0028-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during an emissions event (Incident No. 131133) on October 24, 2009, operations personnel improperly lined up valves in the Butane Recovery Unit, causing the unauthorized release of 5,143 pounds of volatile organic compounds from a pressure safety valve (Emissions Point Number 233-UNIT) over a two minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject . . .

Effective Date: 08/09/2010

ADMINORDER 2009-0779-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition 1. PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, hydrogen sulfide emissions from barge loading at the dock, Emissions Point No. ("EPN") LL19DOCKD, are limited to 7.79 pounds per hour, but those emissions reported at 11.63 pounds per hour.

Classification: Moderate

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

Rqmt Prov: STC 1A OP  
STC 2 OP

Description: Failed to submit an emissions event report to the State of Texas Environmental Electronic Reporting System ("STEERS") within 24 hours of a reportable emissions event (Incident No. 123442). Specifically, the event occurred on January 7 and 8, 2007, but the STEERS report was not submitted until April 27, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits and the allowable site-wide hourly emissions cap for highly reactive volatile organic compounds ("HRVOC"). Specifically, during an emissions event (Incident No. 123442) on January 7 and 8, 2007, an improperly set pressure relief valve (EPN 938PSV0049) in the Paraxylene Recovery Unit released 4,500 pounds of ethylene over a 6.4 hour period . . . .

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT

Description: Failed to comply with permitted emissions limits and the allowable site-wide hourly emissions cap for HRVOC. Specifically, during an emissions event (Incident No. 124005) on May 8, 2009, an improperly open valve and a failed level indicator caused the # 2 Debutanizer Tower (EPN 732T0007) and a pressure relief valve (EPN 732PSV0337) in the Fluid Catalytic Cracking Unit to emit 3,753 pounds of volatile organic compounds (including 2,471 pounds of HRVOC), 0.3 pound of sulfur dioxide . . . .

Effective Date: 08/09/2010

ADMINORDER 2008-1454-AIR-E

Classification: Moderate

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

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

Description: Failed to prevent unauthorized emissions during Incident No. 112203.

Effective Date: 10/25/2010

ADMINORDER 2009-1158-AIR-E

Classification: Moderate

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

Rqmt Prov: 2167 SC 1 PERMIT

Description: Failed to prevent the operator from inadvertently shutting down the Thermal Oxidizer causing an unauthorized release of emissions.

Classification: Minor

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

Description: Failed to include on their final report, the authorization number governing the facilities

involved in the emissions event (Incident No. 124877) that occurred on May 29, 2009 in the SRU Unit.  
Effective Date: 11/15/2010 ADMINORDER 2010-0641-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Classification: Minor

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

Description: Failed to identify the compound descriptive type of all compounds or mixtures of air contaminants released during Incident No. 133389 in the final record.  
Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 1 OP  
Description: Failed to prevent unauthorized emissions.

Effective Date: 12/25/2010 ADMINORDER 2010-0211-AIR-E

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

Description: Failed to submit an initial notification and final report for Incident No. 2008-770. Specifically, Incident No. 2008-770 was discovered on November 19, 2009 and ended November 24, 2009 and neither report was received.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,836 pounds ("lbs") of sulfur dioxide ("SO2") and 139 lbs of hydrogen sulfide ("H2S") from the 636 Hydrodesulfurization Unit during an emissions event (Incident No. 2008-770) that began November 18, 2009 and lasted 131 hours and 10 minutes. Since the cause of this event could not be determined and it was not reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense

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

Description: Failed to submit an initial notification and final report for Incident No. 2009-344. Specifically, Incident No. 2009-344 was discovered on June 14, 2009 and lasted two hours and 24 minutes and neither report was received.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,206 lbs of SO2 and 35 lbs of H2S from the 737 Delayed Coker Unit during an avoidabl emissions event (Incident No. 2009-344) that began June 14, 2009 and lasted two hours and 24 minutes. The event was the result of an unexpected change in compressor discharge temperature. Since this emissions event could have been avoided by better operational practices and was not reported, the demonstrations in 30 Tex. Admin.

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 08/18/2006 (396831)
- 2 02/08/2010 (432406)
- 3 02/02/2007 (435323)

|    |            |          |
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| 4  | 04/20/2006 | (437368) |
| 5  | 04/27/2006 | (439800) |
| 6  | 02/25/2006 | (456998) |
| 7  | 02/25/2006 | (457004) |
| 8  | 02/25/2006 | (457020) |
| 9  | 02/28/2006 | (457235) |
| 10 | 06/29/2006 | (458901) |
| 11 | 06/15/2006 | (461559) |
| 12 | 07/28/2006 | (463199) |
| 13 | 03/17/2006 | (468143) |
| 14 | 06/30/2006 | (469140) |
| 15 | 06/14/2006 | (479843) |
| 16 | 05/31/2006 | (480494) |
| 17 | 05/31/2006 | (480500) |
| 18 | 05/31/2006 | (480503) |
| 19 | 05/31/2006 | (480504) |
| 20 | 05/31/2006 | (480506) |
| 21 | 06/15/2006 | (481316) |
| 22 | 07/17/2006 | (485790) |
| 23 | 09/11/2006 | (489202) |
| 24 | 10/06/2006 | (489212) |
| 25 | 08/08/2006 | (489220) |
| 26 | 04/10/2006 | (498011) |
| 27 | 05/10/2006 | (498012) |
| 28 | 06/15/2006 | (498013) |
| 29 | 02/22/2007 | (510814) |
| 30 | 10/30/2006 | (511654) |
| 31 | 02/02/2007 | (511662) |
| 32 | 02/23/2007 | (511980) |
| 33 | 02/08/2007 | (512678) |
| 34 | 01/25/2007 | (512685) |
| 35 | 07/26/2006 | (520029) |
| 36 | 08/11/2006 | (520030) |
| 37 | 01/09/2007 | (532009) |
| 38 | 02/05/2007 | (536476) |
| 39 | 03/21/2007 | (539188) |
| 40 | 03/21/2007 | (539192) |
| 41 | 03/21/2007 | (539194) |
| 42 | 10/12/2006 | (544276) |
| 43 | 11/21/2006 | (544277) |
| 44 | 04/30/2007 | (554360) |
| 45 | 04/04/2007 | (554793) |
| 46 | 04/04/2007 | (554809) |
| 47 | 05/09/2007 | (554980) |
| 48 | 05/04/2007 | (556720) |
| 49 | 04/20/2007 | (556941) |
| 50 | 04/24/2007 | (557537) |
| 51 | 05/29/2007 | (559572) |

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|----|------------|----------|
| 52 | 07/20/2007 | (561274) |
| 53 | 07/03/2007 | (563761) |
| 54 | 07/25/2007 | (566621) |
| 55 | 10/18/2007 | (566919) |
| 56 | 10/17/2007 | (567541) |
| 57 | 08/17/2007 | (570286) |
| 58 | 08/23/2007 | (570387) |
| 59 | 08/28/2007 | (570635) |
| 60 | 09/07/2007 | (573978) |
| 61 | 02/16/2007 | (574922) |
| 62 | 03/16/2007 | (574923) |
| 63 | 04/13/2007 | (574924) |
| 64 | 05/15/2007 | (574925) |
| 65 | 06/14/2007 | (574926) |
| 66 | 09/11/2006 | (574927) |
| 67 | 12/11/2006 | (574928) |
| 68 | 01/08/2007 | (574929) |
| 69 | 10/10/2007 | (594976) |
| 70 | 04/08/2008 | (595524) |
| 71 | 09/27/2007 | (595742) |
| 72 | 10/25/2007 | (596179) |
| 73 | 10/19/2007 | (598478) |
| 74 | 11/09/2007 | (599574) |
| 75 | 12/04/2007 | (600555) |
| 76 | 08/13/2007 | (601490) |
| 77 | 09/14/2007 | (601491) |
| 78 | 01/18/2008 | (609373) |
| 79 | 12/21/2007 | (610028) |
| 80 | 01/29/2008 | (611265) |
| 81 | 01/15/2008 | (612806) |
| 82 | 01/25/2008 | (613320) |
| 83 | 01/28/2008 | (616032) |
| 84 | 03/03/2008 | (616148) |
| 85 | 04/07/2008 | (617770) |
| 86 | 07/12/2007 | (619397) |
| 87 | 10/08/2007 | (619398) |
| 88 | 11/06/2007 | (619399) |
| 89 | 12/10/2007 | (619400) |
| 90 | 04/22/2008 | (639660) |
| 91 | 04/22/2008 | (640670) |
| 92 | 05/30/2008 | (670616) |
| 93 | 02/11/2008 | (671904) |
| 94 | 01/15/2008 | (671905) |
| 95 | 10/29/2008 | (686547) |
| 96 | 08/27/2008 | (687046) |
| 97 | 08/27/2008 | (687290) |
| 98 | 08/22/2008 | (688646) |
| 99 | 03/24/2008 | (689825) |

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| 100 | 04/14/2008 | (689826) |
| 101 | 05/15/2008 | (689827) |
| 102 | 08/18/2008 | (699930) |
| 103 | 09/09/2008 | (701172) |
| 104 | 10/08/2008 | (702275) |
| 105 | 04/28/2009 | (703271) |
| 106 | 05/21/2009 | (705709) |
| 107 | 11/26/2008 | (709085) |
| 108 | 02/04/2009 | (709615) |
| 109 | 12/08/2008 | (709767) |
| 110 | 06/23/2008 | (710583) |
| 111 | 07/11/2008 | (710584) |
| 112 | 08/14/2008 | (710585) |
| 113 | 09/23/2008 | (710586) |
| 114 | 10/23/2008 | (710587) |
| 115 | 12/15/2008 | (721107) |
| 116 | 02/04/2009 | (721393) |
| 117 | 11/17/2008 | (727381) |
| 118 | 12/18/2008 | (727382) |
| 119 | 03/25/2009 | (737507) |
| 120 | 03/25/2009 | (737734) |
| 121 | 03/16/2009 | (738275) |
| 122 | 08/11/2009 | (741080) |
| 123 | 09/02/2009 | (741085) |
| 124 | 05/12/2009 | (741579) |
| 125 | 05/14/2009 | (743937) |
| 126 | 06/23/2009 | (744719) |
| 127 | 07/10/2009 | (748269) |
| 128 | 02/18/2009 | (750118) |
| 129 | 01/12/2009 | (750119) |
| 130 | 07/17/2009 | (760007) |
| 131 | 07/02/2009 | (760296) |
| 132 | 10/23/2009 | (760856) |
| 133 | 07/30/2009 | (763485) |
| 134 | 08/14/2009 | (764397) |
| 135 | 11/23/2009 | (767400) |
| 136 | 03/17/2009 | (768258) |
| 137 | 04/13/2009 | (768259) |
| 138 | 05/21/2009 | (768260) |
| 139 | 12/22/2009 | (782878) |
| 140 | 01/22/2010 | (785022) |
| 141 | 02/01/2010 | (785277) |
| 142 | 03/17/2010 | (785822) |
| 143 | 01/06/2010 | (786299) |
| 144 | 04/15/2010 | (786517) |
| 145 | 08/10/2010 | (790152) |
| 146 | 09/13/2010 | (790226) |
| 147 | 02/22/2010 | (791381) |

148 02/25/2010 (792286)  
 149 04/16/2010 (794008)  
 150 06/02/2010 (798048)  
 151 05/17/2010 (800059)  
 152 04/27/2010 (800225)  
 153 05/06/2010 (800439)  
 154 05/06/2010 (800659)  
 155 06/25/2010 (825942)  
 156 09/01/2010 (826922)  
 157 07/22/2010 (826929)  
 158 06/21/2010 (827282)  
 159 07/07/2010 (828092)  
 160 07/23/2010 (828489)  
 161 03/16/2010 (830751)  
 162 04/19/2010 (830752)  
 163 05/17/2010 (830753)  
 164 09/17/2010 (843387)  
 165 09/01/2010 (844194)  
 166 06/14/2010 (846225)  
 167 08/31/2010 (857772)  
 168 07/21/2010 (860822)  
 169 09/30/2010 (863396)  
 170 09/27/2010 (865431)  
 171 12/03/2010 (866411)  
 172 08/19/2010 (866785)  
 173 10/19/2010 (871052)  
 174 10/22/2010 (871556)  
 175 12/21/2010 (873611)  
 176 09/20/2010 (873859)  
 177 12/21/2010 (878659)  
 178 12/28/2010 (879988)  
 179 12/10/2010 (881351)  
 180 10/20/2010 (881461)  
 181 02/11/2011 (887217)  
 182 11/22/2010 (887991)  
 183 01/18/2011 (891756)  
 184 01/31/2011 (892535)  
 185 12/20/2010 (896190)

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

Date: 06/13/2006 (479843) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 TCEQ Flexible Permit #2167, SC #1 PERMIT  
 Description: Lyondell failed to prevent the "Y Train" from overpressuring.  
 Date: 06/30/2006 (520029) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (520030) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/01/2006 (463199) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 2167 and PSD-TX-985, SC 15E PA  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 Description: Failure to cap/plug open-ened line  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
 Description: Leaking plug associated with valve #802412.  
 Self Report? NO Classification: Moderate  
 Citation: 2167 and PSD-TX-985, SC 15F PA  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
 Description: Failure to monitor valves  
 Date: 08/09/2006 (489220) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 TCEQ Flexible Permit #2167, SC#1 PERMIT  
 Description: Failure to prevent the disconnection of a pressure indication instrument.  
 Date: 08/18/2006 (396831) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Flexible Permit No. 2167, SC #1. PERMIT  
 Description: The RE failed to prevent unauthorized emissions from a leaking pipe.  
 Date: 10/31/2006 (544277) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2007 (601491) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2007 (619398) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/29/2008 (689825) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/26/2008 (709085) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 06/30/2008 PERMIT  
 Description: Failure to present an affirmative defense for the unauthorized emissions associated with Incident #114224, which was caused by external corrosion on a dead leg pipe, resulting in butene / butane emissions from a pinhole leak.

Date: 11/30/2008 (727382) CN601313083  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 04/29/2009 (703271) CN601313083  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THSC Chapter 382 382.085(b)  
SC 26 PA  
STC 28 OP  
Description: Failed to meet the 3-hour H2S limit at the fuel gas mixing pot 338D0408 on 24 instances from January 20 through June 17, 2008. FOP O-01372; NSR 2167  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Failed to meet the hourly CO concentration limit at the Fluid Catalytic Cracking Unit (FCCU) Wet Gas Scrubber (WGS) 732D0063 on 38 instances from July 2, 2007 through February 26, 2008. FOP O-01372; NSR 2167  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
SC 32 PA  
STC 28 OP  
Description: Failed to meet the hourly CO concentration limit at the thermal oxidizer 440F2002 for 3 hours on October 31, 2007. FOP O-01372; NSR 2167  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)  
5C THSC Chapter 382 382.085(b)  
SC 37 PA  
STC 1A OP  
STC 28 OP  
Description: Failed to meet the hourly SO2 concentration limit at the thermal oxidizer 435F1402 on 36 instances from August 6, 2007 through May 28, 2008. FOP O-01372; NSR 2167  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(2)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1 J (i) OP  
Description: Failed to operate 3 heaters within the allowable HRVOC operating limits from July 1 through January 7, 2007 and again from January 7 through March 14, 2008. FOP O-01372; NSR 2167  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1 J (i) OP  
Description: Failed to take a sample at the Houston Street Flare 338K005 when the HRVOC analyzer was offline for approximately 24 hours from November 2 through November 3, 2007. FOP O-01372; NSR 2167  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 115, SubChapter H 115.764(b)(6)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to catch a sample when the HRVOC analyzer at cooling tower 736CT3701 was out-of-order for 24 hours from August 12 through August 13, 2007, and failed to complete and record lab analysis on sample caught when the HRVOC analyzer in cooling tower 736CT3701 was out-of-order for more than 24 hours

from May 30 through June 2, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Moderate  
Citation: 2167 SC 25B PA  
30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 115, SubChapter H 115.764(b)(6)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to complete the semi-annual calibration required by TCEQ HRVOC Cooling Tower Guidance (Appendix P) on the strippable air rotameter, water rotameter, and temperature meter on the strippable VOC analyzer on cooling towers 732CT3701, 233CT3701, 343CT3701, 430CT3701, 430CT3791, 533CT3701, 536CT3701, 537CT3701, 635CT3701, 637CT3701, 732CT3701, 736CT3701, 737CT3701. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)  
30 TAC Chapter 115, SubChapter H 115.726(c)(4)  
30 TAC Chapter 115, SubChapter H 115.766(a)(2)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to keep some of the records required for calibration of HRVOC meters on some PSVs, cooling tower flow meters, and some flare purges from January 1 through June 30, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to meet the first attempt requirements for 4 connectors in HAP, VOC, and HRVOC service at 732-UNIT, 934-UNIT, and 940-UNIT; the leaking connectors were discovered on July 19, 2007 but did not receive first attempt until 6 days later on July 25, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Failed to meet the first attempt requirements for 1 leaking valve (Tag # 703911) in HAP service at the 933-UNIT; the leaking valve was discovered on July 26, 2007 but did not received first attempt as required due to an abnormality in the fugitive component database. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Failed to meet the first attempt requirements for 1 leaking plug (Tag # 1483.1) in HAP service at the 137-UNIT; the leaking plug was discovered on December 31, 2007 and was monitored and repaired 12 days later. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 115, SubChapter H 115.781(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)  
5C THSC Chapter 382 382.085(b)  
SC 15G PA  
STC 1A OP  
STC 28 OP  
Description: Failed to monitor 1 pump (234P002B) in VOC and HRVOC service at the 234-UNIT service which had been taken out of service and removed from fugitive monitoring database on July 1, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)

5C THSC Chapter 382 382.085(b)  
 SC 15G PA  
 STC 1A OP  
 STC 28 OP

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

Self Report? NO Classification: Minor

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

Description: Failed to conduct NH3 and H2S AVO walkthroughs from October 15 through December 25, 2007. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(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 63, SubChapter C, PT 63, SubPT H 63.162(b)  
 5C THSC Chapter 382 382.085(b)  
 SC 14E PA  
 SC 15E PA  
 STC 1A OP  
 STC 28 OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

Description: Failed to meet the control requirements for tank 137TK0803 when the roof vent was not repaired from March 24 through April 24, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 STC 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2

5C THSC Chapter 382 382.085(b)  
STC 13B OP

Description: Failed to document inspections required by NSPS QQQ when the required initial inspections required under NSPS QQQ were not completed within 60 days of putting 536-UNIT equipment in service on March 21, 2008. FOP O-1372; NSR 2167

Self Report? NO Classification: Minor

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

Description: Failed to meet the pressure differential limits on the FCCU wet gas scrubber 732D0063 when the pressure drop across the scrubber dropped below the minimum limit of 0.91 psia from June 1, 2007 through December 31, 2007 and again from May 9, 2008 through June 12, 2008. FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

Description: Failed to revise Title V permit by June 15, 2007 to include 6 internal combustion engines to codify the applicable requirements of 40 CFR 63 Subpart ZZZZ (RICE MACT). FOP O-01372; NSR 2167

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 43 PA  
 STC 28 OP  
 Description: Failed to test coke stockpile at the 737 Unit for moisture. A sample that was taken on June 23, 2008 was not sent for analysis. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 36 OP  
 Description: Failed to meet all Risk Management Plan (RMP) requirements from January 1 through June 30, 2008. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)  
 5C THSC Chapter 382 382.085(b)  
 STC 12F OP  
 Description: Failed to use proper concentration of drift calibration gas for oxygen at thermal oxidizer 435F1402 from January 9 through March 6, 2008. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)  
 5C THSC Chapter 382 382.085(b)  
 STC 18A OP  
 Description: Failed to complete the repair of 4 drains (930-BNS, 931-BNS, 932-BNS, and 940-BNS) identified during the quarterly inspections from April 1 through April 28, 2008. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)  
 30 TAC Chapter 115, SubChapter H 115.764(b)(3)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failed to operate the monitoring systems on cooling towers 233CT3701, 343CT3701, 634CT3701, 732CT3701, 736CT3701, and 737CT3701 95% of the time from June 1 to December 31, 2007. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failed to operate the monitoring systems on flare systems 338K0001, 338K0002, 338K0005, 338K0007, 338K0008, and, 736K0101A 95% of the time from June 1 to December 31, 2007. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
 5C THSC Chapter 382 382.085(b)  
 NSR 2167 SC 15F PERMIT  
 STC 1A OP  
 STC 28 OP  
 Description: Failed to monitor 66 valves in VOC and HAP service at the 633-UNIT when it was discovered on February 6, 2008 that these components were not monitored. FOP O-01372; NSR 2167  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
 5C THSC Chapter 382 382.085(b)  
 NSR 2167 SC 15G PERMIT  
 STC 1A OP  
 STC 28 OP  
 Description: Failed to monitor 2 pumps in VOC and HAP service at the 633-UNIT when it was discovered on February 6, 2008 that these components were not monitored. FOP O-01372; NSR 2167

Date: 04/30/2009 (768260) CN601313083  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 11/23/2009 (767400) CN601313083  
Self Report? NO Classification: Minor  
Citation: 2167, SC 14E PERMIT  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 28 OP  
Description: Failure to plug/cap all open ended lines in VOC and HRVOC services (C10).  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(h)(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(iii)  
5C THSC Chapter 382 382.085(b)  
O-01372 OP  
Description: Failure to complete visual inspection of the primary seals, slotted membranes, and sleeve seals of storage tanks.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP  
Description: Failure to complete first repair attempt on a leaking plug in xylene service within five days.  
Self Report? NO Classification: Minor  
Citation: 2167, SC 25B PERMIT  
30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 28 OP  
Description: Failure to complete semiannual calibration on the strippable VOC analyzers for cooling towers.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP  
Description: Failure to use proper concentration of drift calibration gas.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP  
Description: Failure to adjust analyzer within 24-hour when zero drift exceeded the limits.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(3)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 13B OP  
Description: Failure to complete and document the required initial regulatory individual sewer hub inspection within 30-days.  
Self Report? NO Classification: Minor  
Citation: 2167, SC 15F PERMIT  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 115, SubChapter H 115.781(b)(8)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

5C THSC Chapter 382 382.085(b)  
O-01372, SC 28 OP

Description: Failure to monitor valves and pumps in HRVOC and VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP

Description: Failure to operate a heater at the minimum hourly oxygen operating limit established during the emissions test.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP

Description: Failure to complete and record a lab analysis on a sample caught when the HRVOC analyzer was out of order.

Self Report? NO Classification: Moderate

Citation: 2167, SC 44B PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 28 OP

Description: Failure to meet dP (delta pressure or pressure drop) limit.

Self Report? NO Classification: Minor

Citation: 2167, SC 27 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 28 OP

Description: Failure to comply with the permitted opacity limit.

Self Report? NO Classification: Minor

Citation: 2167, SC 43 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 28 OP

Description: Failure to test a coke stockpile for moisture.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP

Description: Failure to repair drains in benzene service within 15 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)  
30 TAC Chapter 115, SubChapter H 115.726(c)(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP

Description: Failure to maintain calibration records on HRVOC meters.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
O-01327, GC OP

Description: Failure to report all deviations.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iv)  
5C THSC Chapter 382 382.085(b)  
O-01372, SC 1A OP

Description: Failure to perform seal gap measurements of the primary and secondary seals within 90 days of refilling.

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01372, SC 1A OP  
 Description: Failure to analyze samples taken while flares in HRVOC service were down.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(b)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(d)  
 5C THSC Chapter 382 382.085(b)  
 O-01372, SC 1A OP  
 Description: Failure to meet NSPS, Subpart J requirements.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 O-01372, SC 1A OP  
 Description: Failure to operate HRVOC analyzer while the flare was still in service.  
 Date: 02/25/2010 (792286) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 SPECIAL CONDITION 1 OP  
 Description: Failure to prevent unauthorized emissions. Specifically, Houston Refining failed to properly manage a high level of hydrocarbons in the sour water system feed resulting in unauthorized H2S emissions from the 435 & 440 thermal oxidizer.  
 Date: 05/07/2010 (800439) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Failure to prevent the ruptured disc from blowing which resulted in the release of unauthorized emissions.  
 Date: 06/25/2010 (825942) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT  
 Description: Failure to prevent the rupture disc from blowing which resulted in the release of unauthorized emissions.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to report the initial notification within 24 hours of the discovery of the emissions event.  
 Date: 07/31/2010 (866785) CN601313083  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/13/2010 (790226) CN601313083  
 Self Report? NO Classification: Minor  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(4)  
 5C THSC Chapter 382 382.085(b)  
 Description: Houston Refining failed to make revisions to the component count when it submitted the July 1 through December 31, 2009 semiannual report. Category C3 violation.  
 Date: 09/21/2010 (843387) CN601313083  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter G 117.8000(c)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to document and follow reference methods properly during a 2007 stack test for 30 TAC 117 on firewater engines Dock D & E. Cat B18.  
 Date: 10/01/2010 (863396) CN601313083  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions which resulted from over pressuring Tank 584.

F. Environmental audits.

Notice of Intent Date: 08/15/2007 (574133)

No DOV Associated

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

Disclosure Date: 02/13/2008

Viol. Classification: Major

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

30 TAC Chapter 115, SubChapter H 115.783(5)

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

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

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

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

Disclosure Date: 04/03/2008

Viol. Classification: Major

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

30 TAC Chapter 115, SubChapter H 115.783(5)

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

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

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

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

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

No DOV Associated

Notice of Intent Date: 09/10/2008 (598166)

Disclosure Date: 06/11/2009

Viol. Classification: Moderate

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

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

Notice of Intent Date: 06/14/2010 (791229)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

## **AGREED ORDER DOCKET NO. 2011-0308-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent operates a petroleum refinery at 12000 Lawndale Street in Houston, Harris County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on December 7, 2010, TCEQ staff documented the unauthorized release of 8,784 pounds of nitrogen oxides (“NOx”) from the 732 Fluid Catalytic Cracking Unit (“FCCU”), Emission Point No. 732D0063, in the refinery during an emissions event (Incident No. 147093) that began on October 11, 2010 and lasted 22 hours. The event was a result of an operator failing to reduce flue gas levels when the NOx analyzer showed the FCCU NOx emission level to be high.
4. During an investigation on December 7, 2010, TCEQ staff documented the failure to submit the initial notification for Incident No. 147093 within 24 hours after the discovery of the event. Specifically, the initial notification was due October 12, 2010 but was not submitted until November 5, 2010.
5. The Respondent received notice of the violations on February 14, 2010.

## 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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 2167 and PSD-TX-985, Special Conditions No. 1. Since this emissions event could have been avoided by better operational practices and was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present affirmative defense were not met.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit the initial notification for Incident No. 147093 within 24 hours after the discovery of the event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against 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.
5. An administrative penalty in the amount of Ten Thousand Five Hundred Sixty-Eight Dollars (\$10,568) 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 Five Thousand Two Hundred Eighty-Four Dollars (\$5,284) of the administrative penalty. Five Thousand Two Hundred Eighty-Four Dollars (\$5,284) shall be conditionally offset by the Respondent’s completion of a Supplemental Environmental Project (“SEP”).

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand Five Hundred Sixty-Eight Dollars (\$10,568) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and 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: Houston Refining LP, Docket No. 2011-0308-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in section II, Paragraph 5 above, Five Thousand Two Hundred Eighty-Four Dollars (\$5,284) of assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of an emissions event due to the same cause as Incident No. 147093;
  - b. Within 30 days after the effective date of this Agreed Order, implement measures designed to ensure the timely submittal of emissions event reports; and
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. 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 fine 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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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

John Srdelic  
For the Executive Director

7/6/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Houston Refining LP. I am authorized to agree to the attached Agreed Order on behalf of Houston Refining LP, 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, Houston Refining LP 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.

Todd Movette  
Signature

5/20/11  
Date

Todd Movette  
Name (Printed or typed)  
Authorized Representative of  
Houston Refining LP

Refinery MANAGER  
Title

**Attachment A**  
**Docket Number: 2011-0308-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Houston Refining LP

**Payable Penalty Amount:** Ten Thousand Five Hundred Sixty-Eight Dollars (\$10,568)

**SEP Amount:** Five Thousand Two Hundred Eighty-Four Dollars (\$5,284)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Barbers Hill Independent School District-Alternative Fueled Vehicle and Equipment Program

**Location of SEP:** Harris County

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

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Barbers Hill Independent School District** for the **Alternative Fueled Vehicle and Equipment Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to retire current diesel-powered or gasoline powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled vehicles and equipment; convert current vehicles and equipment to alternative-fueled equipment; or retrofit current gasoline or diesel-powered equipment.

SEP funds will only be used for the incremental costs of purchase of clean fuel or lower-emission vehicles or retrofit of existing vehicles and for the purchase of these cleaner burning fuels.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing air pollution emissions of particulate matter, volatile organic compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by older vehicles.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

John Johnson  
Carl Griffith & Associates, Inc.  
2901 Turtle Creek Drive, Suite 101  
Port Arthur, Texas 77642

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in

Houston Refining LP  
Agreed Order - Attachment A

Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

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

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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