

Executive Summary – Enforcement Matter – Case No. 41593

Motiva Enterprises LLC

RN100209451

Docket No. 2011-0688-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Port Arthur Refinery, 2555 Savannah Avenue, Port Arthur, Jefferson County

Type of Operation:

Oil refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1461-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 4, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$-21,800

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41593
Motiva Enterprises LLC
RN100209451
Docket No. 2011-0688-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 24, 2011
Date(s) of NOE(s): April 27, 2011

Violation Information

Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222. [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSD-TX-1062, Special Conditions Nos. 1 and 5, and Federal Operating Permit No. O1386, General Terms and Conditions and Special Terms and Conditions No. 16A].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, until such time as the crank shaft seals in the Delayed Coking Unit (“DCU”) compressor have been replaced, begin manual monitoring of the oil level for the DCU compressor to verify a proper level of oil is maintained during the transfer exchange process, and implement maintenance procedures to prevent recurrence of emissions events due to the same cause as Incident No. 150806;
- b. Within 30 days, submit certification of compliance with Ordering Provision a., as described in Ordering Provision f.;
- c. Within 45 days, install a new low-level alarm system to ensure normal levels of oil pressure in both the motor and compressor oil reservoirs in the DCU;
- d. Within 60 days, submit certification of compliance with Ordering Provision c., as described in Ordering Provision f.;
- e. Within 365 days, replace crank shaft seals in the DCU compressor; and
- f. Within 380 days, submit written certification demonstrating compliance.

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Motiva Enterprises LLC
RN100209451
Docket No. 2011-0688-AIR-E

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Audra Benoit, Enforcement Division,
Enforcement Team 5, MC R-10, (409) 899-8799; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Forrest Lauher, Plant Manager, Motiva Enterprises LLC, P.O. Box 712,
Port Arthur, Texas 77641
Greg Williams, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur,
Texas 77641
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

| | | | | | | |
|--------------|-----------------|------------|------------------|------------|----------------|-------------|
| DATES | Assigned | 2-May-2011 | Screening | 6-May-2011 | EPA Due | 30-Jan-2012 |
| | PCW | 6-May-2011 | | | | |

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

| | | | |
|----------------------------------------|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | No. of Violations | 1 |
| Enf./Case ID No. | 41593 | Order Type | Findings |
| Docket No. | 2011-0688-AIR-E | Government/Non-Profit | No |
| Media Program(s) | Air | Enf. Coordinator | Audra Benoit |
| Multi-Media | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for four same/similar NOV's, 19 dissimilar NOV's, seven orders containing a denial of liability and two orders without a denial of liability. Reduction for ten notices of intended audit, five disclosures of violations, and an environmental management system in place for one year or more.

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

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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 6-May-2011

Docket No. 2011-0688-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 41593

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Audra Benoit

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 4 | 20% |
| | Other written NOVs | 19 | 38% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 7 | 140% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2 | 50% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 10 | -10% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 5 | -10% |

Please Enter Yes or No

| | | | |
|-------|-----------------------------------------------------------------------------------------------------------------------|-----|------|
| Other | Environmental management systems in place for one year or more | Yes | -10% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 218%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for four same/similar NOVs, 19 dissimilar NOVs, seven orders containing a denial of liability and two orders without a denial of liability. Reduction for ten notices of intended audit, five disclosures of violations, and an environmental management system in place for one year or more.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 218%

Screening Date 6-May-2011

Docket No. 2011-0688-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 41593

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Audra Benoit

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSD-TX-1062, Special Conditions Nos. 1 and 5, and Federal Operating Permit No. 01386, General Terms and Conditions and Special Terms and Conditions No. 16A

Violation Description Failed to prevent unauthorized emissions. Specifically, on February 15, 2011, Incident No. 150806 occurred at the Delayed Coking Unit ("DCU") Wet Gas Compressor due to leaking crank shaft seals in the compressor causing low oil levels. When an operator drained and refilled the reservoir, a drain valve was left open on the oil reservoir, resulting in the unauthorized release of 69,944 pounds ("lbs") of sulfur dioxide, 1,569 lbs of carbon monoxide, 217 lbs of nitrogen oxides, 2,470 lbs of volatile organic compounds, and 758 lbs of hydrogen sulfide from the DCU Flare for three hours and 40 minutes. Since the emissions event could have been avoided by better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (100%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

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

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for event frequency: daily (x), weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (x), (mark with x).

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$804

Violation Final Penalty Total \$31,800

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

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 41593
Req. Ent. Reference No. RN100209451
Media Air
Violation No. 1

| | |
|-------------------------|------------------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|----------|-------------|-------------|------|------|-------|-------|
| Equipment | \$5,000 | 15-Feb-2011 | 15-Nov-2011 | 0.75 | \$12 | \$249 | \$262 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$10,000 | 15-Feb-2011 | 15-Nov-2011 | 0.75 | \$25 | \$499 | \$524 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 15-Feb-2011 | 15-Nov-2011 | 0.75 | \$19 | n/a | \$19 |

Notes for DELAYED costs

Estimated costs to replace crank shaft seals in the compressor (\$5,000), install a new low-level alarm system (\$10,000) and implement maintenance procedures (\$500) designed to prevent recurrence of exceedances in the DCU. The date required is the date of the emissions event. The final date is the estimated date of compliance.

Avoided Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---------------------------------------------------------------------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| 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 | \$15,500 | TOTAL | \$804 |
|-----------------------------------|----------|--------------|-------|

Compliance History

Customer/Respondent/Owner-Operator: CN600124051 Motiva Enterprises LLC Classification: AVERAGE Rating: 2.78

Regulated Entity: RN100209451 PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 10.87

| ID Number(s): | | | |
|---------------|-------------------------------------|----------------------------------|--------------|
| | PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 57808 |
| | AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0095D |
| | AIR OPERATING PERMITS | PERMIT | 1386 |
| | AIR OPERATING PERMITS | PERMIT | 3387 |
| | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD008097529 |
| | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 30121 |
| | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50188 |
| | WASTEWATER | PERMIT | WQ0000414000 |
| | WASTEWATER | EPA ID | TX0005835 |
| | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1230079 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 93407 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 93766 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 92603 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 92158 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 48503 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 48504 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 48505 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 48506 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49372 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49332 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49333 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49480 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49477 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49478 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 49912 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50157 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50158 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 50299 |
| | AIR NEW SOURCE PERMITS | PERMIT | 3415 |
| | AIR NEW SOURCE PERMITS | PERMIT | 6056 |
| | AIR NEW SOURCE PERMITS | PERMIT | 7160 |
| | AIR NEW SOURCE PERMITS | PERMIT | 7304 |
| | AIR NEW SOURCE PERMITS | PERMIT | 8210 |

| | | |
|------------------------|--------------|-------|
| AIR NEW SOURCE PERMITS | PERMIT | 8404 |
| AIR NEW SOURCE PERMITS | PERMIT | 9244 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 23943 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 23690 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 24148 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 24417 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 24081 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 24307 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 29244 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 32236 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 31590 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 34264 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 34500 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 37624 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 38931 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 39659 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 40494 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 40950 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 41443 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 41820 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 44322 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 44565 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 44691 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45561 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45560 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45545 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45938 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45937 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45936 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45935 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 45934 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46015 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46079 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46331 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46330 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46326 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 46589 |

| | | |
|------------------------|----------------|------------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 46958 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 47149 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 48153 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 51922 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0095D |
| AIR NEW SOURCE PERMITS | REGISTRATION | 11297 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 11762 |
| AIR NEW SOURCE PERMITS | PERMIT | 11777 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 11895 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 12059 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 12117 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 12482 |
| AIR NEW SOURCE PERMITS | PERMIT | 13313 |
| AIR NEW SOURCE PERMITS | PERMIT | 13358 |
| AIR NEW SOURCE PERMITS | PERMIT | 13534 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 13693 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 14363 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 14273 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 14493 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 15403 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 15717 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 16025 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 16221 |
| AIR NEW SOURCE PERMITS | PERMIT | 17522 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 54322 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75653 |
| AIR NEW SOURCE PERMITS | AFS NUM | 4824500020 |
| AIR NEW SOURCE PERMITS | PERMIT | 56287 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 52429 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 52468 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 75103 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77681 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77922 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX1062 |
| AIR NEW SOURCE PERMITS | PERMIT | 78358 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 26297 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79866L |
| AIR NEW SOURCE PERMITS | REGISTRATION | 86268 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 95508 |

| | | |
|---------------------------------|-------------------------------------|-------------|
| AIR NEW SOURCE PERMITS | REGISTRATION | 87900 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 89645 |
| AIR NEW SOURCE PERMITS | REGISTRATION | 89842 |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX1062M1 |
| STORMWATER | PERMIT | TXR05N603 |
| WATER LICENSING | LICENSE | 1230079 |
| PETROLEUM STORAGE TANK STAGE II | REGISTRATION | 57808 |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 30121 |
| POLLUTION PREVENTION PLANNING | ID NUMBER | P06462 |
| POLLUTION PREVENTION PLANNING | ID NUMBER | P00651 |
| AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | JE0095D |

Location: 2555 SAVANNAH AVE, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 05, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 05, 2006 to May 05, 2011

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

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

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?
N/A
5. When did the change(s) in owner or operator occur?
N/A
6. Rating Date: 9/1/2010 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: 10/25/2007

ADMINORDER 2007-0203-AIR-E

Classification: Minor

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

Rqmt Prov: O-1386 General Terms and Conditions OP
 O-1386 Special Condition 2F OP

Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8404 Special Condition 9 PERMIT
O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP
Description: Failure to maintain an emission rate below the allowable emission limits.

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

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition XII-13 PERMIT
8404, Special Condition XII-4 PERMIT
Description: Failure to maintain the SO2 concentration below the maximum allowable limit.

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

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

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 116, SubChapter G 116.721(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 7A PERMIT
8404, Special Condition 9 PERMIT
Description: Failure to properly operate the FCCU3 Flare (EPN: EFCCU3).

Effective Date: 04/14/2008 ADMINORDER 2007-1335-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to comply with opacity limits.

Effective Date: 06/19/2008 ADMINORDER 2006-1513-AIR-E

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to obtain authorization for the CO emissions from the MPU No. 3 Extract Heater (EPN: SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN: SMPU3-1).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to maintain emission rates below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 6F PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526, and 14824.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
Description: Failure to timely report 12 deviations during three semi-annual deviation reports. Two of the reports additionally were missing corrective action information for two reported deviations.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)

30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 106, SubChapter T 106.454(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 17 OP
Description: Failure to properly operate facility degreasing units.
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(v)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP
Description: Failure to maintain a record of the repair monitoring for a leaking fugitive component.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to seal 67 open-ended lines with a cap, plug, or blind flange.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 79 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP
Description: Failure to maintain a record of fugitive monitoring components 19992, 19993 and 19994 in the fugitive monitoring database.

Effective Date: 07/03/2008

ADMINORDER 2007-1497-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 6056, General Condition 8 PERMIT
8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

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

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

Effective Date: 09/22/2008

ADMINORDER 2008-0389-AIR-E

Classification: Moderate

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

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

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

Effective Date: 06/18/2010

ADMINORDER 2009-1043-AIR-E

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

O-01386, Special Condition 1A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 10 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to perform monthly drain inspections.

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 7B PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FKFCU1 and 2).

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

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

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

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

O-01386, Special Condition 1A OP

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

Classification: Moderate

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

Rqmt Prov: 6056, General Condition 8 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

Special Condition 16A PERMIT

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

Classification: Moderate

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

Rqmt Prov: 6056, General Condition 8 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

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

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 73 PERMIT

O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP

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

Classification: Minor

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

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

O-01386, Special Condition 2F OP

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

Effective Date: 10/25/2010

ADMINORDER 2010-0381-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, General Condition 8 PERMIT

8404/PSD-TX-1062, Special Condition 1 PERMIT

O-01386, General Terms and Conditions OP

Description: Failure to comply with the permitted Nitrogen Oxides (NOx) emission limit for the Lube Hydrogen Cracking Unit (LHCU) Prefractionator Heater.

Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP

O-01386, Special Condition 1A OP

Description: Failure to submit the Boiler 35 Continuous Emission Monitoring Systems (CEMS) Relative Accuracy Test Audit (RATA) within 60 days.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iii)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(iv)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
Special Terms and Conditions No. 18 OP

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

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

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

Description: Failure to maintain an emission rate below the allowable emission limit. EIC A8c(2)(A)(ii)
MOD (2)(D)

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

C. Chronic excessive emissions events.
N/A

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

| | | |
|----|------------|----------|
| 1 | 12/28/2006 | (145783) |
| 2 | 12/28/2006 | (254143) |
| 3 | 12/28/2006 | (26423) |
| 4 | 12/28/2006 | (267063) |
| 5 | 12/28/2006 | (29038) |
| 6 | 12/28/2006 | (340489) |
| 7 | 08/26/2008 | (435405) |
| 8 | 08/31/2006 | (437238) |
| 9 | 08/31/2006 | (437272) |
| 10 | 06/23/2007 | (452727) |

11 08/31/2006 (452766)
12 04/21/2007 (454289)
13 07/17/2006 (455987)
14 05/22/2006 (459051)
15 05/16/2006 (464788)
16 05/16/2006 (464801)
17 06/16/2006 (465963)
18 08/25/2006 (466256)
19 07/24/2006 (466418)
20 02/05/2007 (481275)
21 07/13/2006 (481868)
22 07/24/2006 (482945)
23 05/12/2006 (498185)
24 06/20/2006 (498186)
25 11/14/2006 (512177)
26 04/21/2007 (512224)
27 11/03/2006 (516484)
28 08/18/2006 (520192)
29 09/19/2006 (520193)
30 10/16/2006 (520194)
31 09/19/2006 (520195)
32 02/02/2007 (536089)
33 08/15/2007 (543999)
34 08/14/2007 (544000)
35 02/15/2007 (544493)
36 11/15/2006 (544494)
37 12/18/2006 (544495)
38 06/25/2007 (555224)
39 04/26/2007 (556885)
40 07/31/2007 (558780)

41 06/07/2008 (559928)
42 01/14/2008 (573909)
43 03/09/2007 (575283)
44 04/17/2007 (575284)
45 05/17/2007 (575285)
46 06/19/2007 (575286)
47 07/13/2007 (575287)
48 10/24/2007 (594945)
49 11/05/2007 (599015)
50 01/13/2008 (599244)
51 11/28/2007 (601230)
52 08/20/2007 (607546)
53 09/17/2007 (607547)
54 10/16/2007 (607548)
55 10/23/2007 (607549)
56 12/11/2007 (609847)
57 02/25/2008 (613440)
58 02/05/2008 (615311)
59 02/20/2008 (615560)
60 02/26/2008 (617761)
61 01/25/2008 (619518)
62 11/16/2007 (619519)
63 12/17/2007 (619520)
64 12/21/2007 (635943)
65 04/16/2008 (636445)
66 04/28/2008 (636501)
67 07/25/2008 (637867)
68 04/30/2008 (653708)
69 05/15/2008 (669887)
70 02/13/2008 (672034)

71 03/17/2008 (672035)
72 04/16/2008 (672036)
73 05/30/2008 (681425)
74 11/18/2008 (684387)
75 08/26/2008 (686410)
76 10/23/2008 (687024)
77 08/18/2008 (687784)
78 08/04/2008 (688786)
79 08/27/2008 (689025)
80 05/13/2008 (689954)
81 06/11/2008 (689955)
82 11/18/2008 (699861)
83 12/09/2008 (702155)
84 10/27/2008 (706417)
85 12/04/2008 (708327)
86 08/18/2008 (710732)
87 09/16/2008 (710733)
88 08/20/2008 (710734)
89 08/20/2008 (710735)
90 12/19/2008 (721889)
91 02/13/2009 (721980)
92 01/28/2009 (722036)
93 11/14/2008 (727483)
94 02/25/2009 (735602)
95 04/17/2009 (735807)
96 08/19/2009 (736499)
97 07/13/2009 (738830)
98 06/30/2009 (740428)
99 06/30/2009 (740433)
100 05/13/2009 (741748)

101 07/08/2009 (743065)
102 07/01/2009 (747125)
103 07/01/2010 (747625)
104 02/16/2009 (750266)
105 03/18/2009 (750267)
106 04/14/2009 (750268)
107 04/14/2009 (750269)
108 12/18/2008 (750270)
109 07/09/2009 (759482)
110 07/28/2009 (762778)
111 07/29/2009 (762779)
112 07/28/2009 (763062)
113 07/29/2009 (763254)
114 07/29/2009 (763265)
115 07/29/2009 (763277)
116 07/28/2009 (763304)
117 07/29/2009 (763309)
118 07/29/2009 (763329)

119 08/26/2009 (763405)
120 08/26/2009 (763406)
121 08/26/2009 (763407)
122 08/26/2009 (763409)
123 09/22/2009 (763792)

124 02/19/2010 (763912)
125 08/26/2009 (765051)
126 08/26/2009 (765052)
127 08/26/2009 (765200)
128 08/26/2009 (765201)
129 08/26/2009 (765305)
130 10/05/2009 (765337)

131 05/14/2009 (768349)
132 06/10/2009 (768350)
133 10/29/2009 (776147)
134 11/05/2009 (776148)
135 02/12/2010 (776149)
136 11/12/2009 (776479)
137 11/12/2009 (776803)
138 11/12/2009 (776804)
139 10/14/2009 (777541)
140 11/12/2009 (777852)
141 02/12/2010 (777854)
142 10/23/2009 (780058)
143 10/22/2009 (780067)
144 02/07/2010 (781801)
145 01/06/2010 (784719)
146 01/06/2010 (784720)
147 02/18/2010 (785707)
148 01/06/2010 (785709)
149 01/06/2010 (785944)
150 01/06/2010 (785985)
151 01/06/2010 (786017)
152 01/07/2010 (786188)
153 01/05/2010 (786191)
154 03/01/2010 (787175)
155 03/22/2010 (787899)
156 02/24/2010 (790004)
157 02/08/2010 (790438)
158 02/24/2010 (791136)
159 03/17/2010 (791310)
160 03/23/2010 (791693)
161 03/11/2010 (792029)

162 03/22/2010 (795060)
163 05/26/2010 (798314)
164 05/07/2010 (800076)
165 06/03/2010 (803496)
166 02/16/2010 (804647)

167 08/11/2009 (804648)
168 09/15/2009 (804649)
169 10/14/2009 (804650)
170 11/13/2009 (804651)
171 12/15/2009 (804652)
172 01/13/2010 (804653)
173 06/24/2010 (826000)
174 07/05/2010 (829489)
175 03/16/2010 (830881)
176 04/13/2010 (830882)
177 05/10/2010 (830883)
178 07/29/2010 (843409)
179 06/15/2010 (846268)
180 08/31/2010 (848673)
181 08/26/2010 (848872)
182 10/21/2010 (850066)
183 08/31/2010 (850645)

184 07/15/2010 (860862)
185 11/15/2010 (865974)
186 08/19/2010 (866829)
187 11/02/2010 (872412)
188 11/29/2010 (872941)
189 09/16/2010 (873900)
190 02/01/2011 (880655)
191 10/15/2010 (881501)

192 01/03/2011 (884857)
 193 12/21/2010 (884947)
 194 11/17/2010 (888030)
 195 01/19/2011 (891548)
 196 01/21/2011 (891647)
 197 02/15/2011 (894736)
 198 02/15/2011 (894851)
 199 03/18/2011 (895057)
 200 12/20/2010 (896239)
 201 02/21/2011 (899503)
 202 02/21/2011 (899594)
 203 02/21/2011 (899733)
 204 02/21/2011 (899861)
 205 02/23/2011 (899893)
 206 02/23/2011 (899912)
 207 02/23/2011 (900025)
 208 02/23/2011 (900075)
 209 04/15/2011 (901402)
 210 03/22/2011 (901784)
 211 01/20/2011 (902305)
 212 04/27/2011 (907418)
 213 02/14/2011 (909084)

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

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

Date: 02/28/2007 (575283) CN600124051
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

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

Date: 06/25/2007 (555224) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter F 335.163(1)
30 TAC Chapter 335, SubChapter F 335.163(3)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(c)
P.P. II.c.1.m. PERMIT
Description: Failure to provide required locked caps, clearly visible identification numbers, and bumper guards on MW-5, MW-48, and MW-46.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.164(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.97(d)
C.P.P. VI.C. IHWPERMTCP
P.P. VI. J PERMIT
Description: Failure to adhere to the sampling frequencies as required by the Sampling Analysis Plan.

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

Date: 08/15/2007 (571469) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 20 PERMIT
8404, Special Condition 21 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to monitor the pilot flame at the CRU4 Flare.

Date: 08/15/2007 (544000) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to seal several open-ended lines with a cap, plug, or blind flange.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 16 PERMIT
8404, Special Condition 56 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to monitor the pilot flame at the ALKY and HCU flares.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP

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

Date: 09/30/2007 (607548) CN600124051
Self Report? YES Classification: Moderate

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

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

Date: 12/11/2007 (609847) CN600124051
Self Report? NO Classification: Minor

Citation: M&RR 3c PERMIT
Description: Failure by Motiva Enterprises LLC. to maintain complete records of calibration.

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

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

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

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

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

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

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

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

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

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

Date: 12/21/2007 (635943) CN600124051

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

Date: 01/31/2008 (672034) CN600124051
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2008 (689955) CN600124051
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

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

Date: 10/24/2008 (687024) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

Date: 12/09/2008 (702155) CN600124051
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP
Description: Failure to properly report an emissions event.

Date: 02/13/2009 (721980) CN600124051
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP
Description: Failure to properly report an emissions event (Incident 117334).

Date: 03/31/2009 (750268) CN600124051
Self Report? YES Classification: Moderate

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

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

Date: 08/19/2009 (736499) CN600124051

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2G OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, SC 57B(2) PERMIT
8404/PSD-TX-1062, Special Condition 56F PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(3)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, SC 57B(2) PERMIT
8404/PSD-TX-1062, Special Condition 56C PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 31A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 23 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

EIC B1 MOD 2B

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780

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

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

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT

O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to continuously monitor the pilot flame at the ALKY Flare (EPN: EFCCU1&2).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the FCCU3 Flare (EPN: EFCCU3).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter B 117.145
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to report CEMS performance and excess emissions in the correct format.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 52E PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Date: 01/31/2010 (804647) CN600124051
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/11/2010 (792029) CN600124051
Self Report? NO Classification: Minor
Citation: ELMR PERMIT
Description: Failure by Motiva Enterprises, LLC to notify the Regional Office 45 days prior to Outfall 003 activation or the anticipated discharge.

Self Report? NO Classification: Minor
Citation: MRR PERMIT
Description: Failure by Motiva Enterprises, LLC to provide the 24-hour notice and five-day written report within the proper timelines for an unauthorized discharge.

Self Report? NO Classification: Moderate
Citation: PC PERMIT
Description: Failure by Motiva Enterprises, LLC to prevent an unauthorized discharge of wastewater into or adjacent to water of the state.

Self Report? NO Classification: Moderate
Citation: ELMR PERMIT
Description: Failure by Motiva Enterprises, LLC to discharge compliant effluent with the total

organic carbon daily maximum permit limit at Outfall 008.

Self Report? NO Classification: Minor
 Citation: MRR PERMIT
 Description: Failure by Motiva Enterprises, LLC to retain monitoring and reporting records for three years.

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

Self Report? NO Classification: Moderate
 Citation: PC PERMIT
 Description: Failure by Motiva Enterprises, LLC to prevent unauthorized discharge of wastewater into or adjacent to water in the state.

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

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

treatment and collection.

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

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

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

Date: 03/23/2010 (787899) CN600124051

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 2F OP
 O-01386, Special Condition 2I OP

Description: Failure to properly submit an initial notification and the final report for an emissions event.

Date: 08/26/2010 (848872) CN600124051

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP

Permit 8404/PSD-TX-1062, SC 23 PERMIT

Description: Failure to properly control sour gas emissions during sulfur truck loading with the vapor collection system. EIC B18 MOD(2)(D)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

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

Self Report? NO

Classification: Moderate

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

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

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

Self Report? NO

Classification: Moderate

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

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO

Classification: Minor

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

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP
 Description: Failure to continuously operate with a flame present at the CRU4, LHCU, FCCU3,
 and ALKY flares. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 20 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 15 OP
 FOP 1386, Special Condition 16A OP
 Description: Failure to maintain the SRU Incinerator Vent (EPN: STGTU-1) firebox temperature
 above 1200 degrees Fahrenheit. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 8404/PSD-TX-1062, Special Condition 73 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 Description: Failure to make a first attempt at repair of a leaking component within 5 days of
 discovery. EIC C4 MOD(2)(G)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.780
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 55B PERMIT
 8404/PSD-TX-1062, Special Condition 73 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 Description: Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at
 or above a pH of 7.0. EIC B18 MOD(2)(G)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the CRU4 flare. EIC B1 MOD(2)
 (A)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas below 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.
EIC B13 MOD2(D)

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

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

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

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

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

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

Date: 04/19/2011 (901402) CN600124051

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 1A OP

Description: Failure to submit a report in a timely manner. MIN (3)(C) EIC C3

F. Environmental audits.

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

Disclosure Date: 12/12/2006

Viol. Classification: Minor

Rqmt Prov: PERMIT 01386, Condition 3A, 3B, 3C, and 3D

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.223(b)
Description: NOx emissions cap for power house boilers was not based on a certified baseline and periodic compliance reports did not reflect the NOx emission caps.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213
30 TAC Chapter 117, SubChapter B 117.219(b)
30 TAC Chapter 117, SubChapter B 117.219(c)
30 TAC Chapter 117, SubChapter B 117.219(d)
Description: Failure to install CEMS for NOx emissions on some process heaters firing greater than 100 MMBTU/hr, and on shared stacks with units firing greater than 200 MMBTU/hr (aggregate).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.219(a)
Description: Failure to maintain documentation to demonstrate compliance with data accuracy requirements for the totalizing fuel flow meters on all applicable combustion sources.
Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)(ii)
Description: Failure to include water from the North and South API separators routed through a sampling hose to uncontrolled sewer drains in the portion of the Total Annual Benzene report.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
Description: Failure to monitor carbon canister/vessel control devices for lift stations and satellite wastewater tanks on a frequency based on design capacity at maximum loading, rather than past performance.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
Description: Failure to properly maintain and operate the blower on the UDEX area satellite tank.
Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)
Description: Failure to include temporary piping/hoses associated with temp. sludge pumps on the North and South API separators in the quarterly visual inspections for cracks, gaps or leaks.
Viol. Classification: Major
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 115, SubChapter B 115.116(a)(2)
30 TAC Chapter 115, SubChapter B 115.119(a)
Description: Failure to include tank T-1511 excessive seal gap emissions in the emissions inventory.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175(b)(1)
Description: Failure to comply with secondary containment requirements for a roll-off bin containing spent catalyst filter.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
Description: Failure to maintain current record of point of generation (POD) waste streams subject to NESHAP Support FF as required.
Disclosure Date: 04/20/2007
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(C)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)
Description: Failure to include the annual benzene quantity information in 40 CFR 61.357(a)(1)-3 for each POG stream for NESHAP Subpart FF annual reports for calendar years 2002 - 2005. Failure to include the table identifying individual POG waste streams chosen for exemption in the NESHAP Subpart FF annual reports for calendar years 2002 - 2005.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)
Description: Failure to include the North API waste slipstream in the NESHAP Support FF in the 2.0 Mg exemption calculation.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)

- Description: Failure to include in the NESHAP Subpart FF annual report for calendar year 2001 - 2006 the required summary of all inspections during which detectable emissions were measured or a problem, such as a broken seal or gap was identified.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(i)(4)
- Description: Failure to take samples at the SASTU - new enhanced biodegradation unit inlet to demonstrate compliance with 10 ppmw benzene.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
- Description: Failure to operate the UDEX Sump and VPS sump in accordance with NESHAP Subpart FF. Specifically, the sumps was in an open, unsealed position.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(3)(i)
- Description: Failure to equip the bypass line carbon canisters and vessels, the Vacuum Recovery System, and the Flare Gas Recovery System with an indicator to record bypass flow or a device such as a car-seal or lock-and -key type configuration to secure the bypass line valve in a close position. In addition, monthly inspections of car-seals have not been performed, and records documenting broken or removed car-seals or when bypass line valve position changed have not been maintained.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
- Description: Failure to properly characterize several POG waste streams containing benzene containing more than 10 ppmw on a flow-weighted annual basis, and the WMU streams were waste was routed were not visually inspected on a quarterly basis, also the ASTU Splitter Box.
- Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
- Description: Failure to maintain documentation certifying that the Vacuum Recovery System, Flare Gas Recovery System, and SASTU waste water treatment unit are designed to operate at documented performance levels under the highest load or capacity.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
- Description: Failure to conduct visual inspections of aboveground sewer piping under NESHAP Subpart FF on a quarterly basis.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
- Description: Failure to conduct visual inspections of closed vent systems and control devices in NESHAP Subpart FF service on a quarterly basis.
- Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)
- Description: Failure to properly maintain in proper operating conduction the pressure relief valves for the South API separator, fixed roof and closed-vent system which routes vapors to the Vacuum Recovery System.
- Disclosure Date: 08/06/2007
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)(C)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)
- Description: Failure to include the annual benzene quantity information in 40 CFR 61.357(a)(1)-3 for each POG stream for NESHAP Subpart FF annual reports for calendar years 2002 - 2005. Failure to include the table identifying individual POG waste streams chosen for exemption in the NESHAP Subpart FF annual reports for calendar years 2002 - 2005.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(3)

- Description: Failure to include the North API waste slipstream in the NESHAP Subpart FF in the 2.0 Mg exemption calculation.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
- Description: Failure to include in the NESHAP Subpart FF annual report for calendar year 2001 - 2006 the required summary of all inspections during which detectable emissions were measured or a problem, such as a broken seal or gap was identified.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(i)(4)
- Description: Failure to take samples at the SASTU - new enhanced biodegradation unit inlet to demonstrate compliance with 10 ppmw benzene.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
- Description: Failure to operate the UDEX Sump and VPS sump in accordance with NESHAP Subpart FF. Specifically, the sumps was in an open, unsealed position.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(3)(i)
- Description: Failure to equip the bypass line carbon canisters and vessels, the Vacuum Recovery System, and the Flare Gas Recovery System with an indicator to record bypass flow or a device such as a car-seal or lock-and-key type configuration to secure the bypass line valve in a close position. In addition, monthly inspections of car-seals have not been performed, and records documenting broken or removed car-seals or when bypass line valve position changed have not been maintained.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
- Description: Failure to properly characterize several POG waste streams containing benzene containing more than 10 ppmw on a flow-weighted annual basis, and the WMU streams were waste was routed were not visually inspected on a quarterly basis, also the ASTU Splitter Box.
- Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
- Description: Failure to maintain documentation certifying that the Vacuum Recovery System, Flare Gas Recovery System, and SASTU waste water treatment unit are designed to operate at documented performance levels under the highest load or capacity.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
- Description: Failure to conduct visual inspections of aboveground sewer piping under NESHAP Subpart FF on a quarterly basis.
- Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
- Description: Failure to conduct visual inspections of closed vent systems and control devices in NESHAP Subpart FF service on a quarterly basis.
- Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)
- Description: Failure to properly maintain in proper operating conduction the pressure relief valves for the South API separator, fixed roof and closed-vent system which routes vapors to the Vacuum Recovery System.

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

Disclosure Date: 06/14/2007

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

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

Viol. Classification: Moderate

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

Description: Failure to comply with seal gap procedure measurements.

Viol. Classification: Moderate

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

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

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

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

Disclosure Date: 01/15/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.105

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

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

Viol. Classification: Moderate

Rqmt Prov: PERMIT 117.123(e)

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

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

Disclosure Date: 11/08/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC15

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386 SC62 and SC69

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 8404 SC2F

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC 7

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

Notice of Intent Date: 06/26/2009 (761937)

Disclosure Date: 03/10/2010

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146

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

Notice of Intent Date: 07/21/2009 (775779)

No DOV Associated

Notice of Intent Date: 02/24/2011 (905482)

No DOV Associated

G. Type of environmental management systems (EMSs).

| | |
|------------|---------------------------------|
| 08/31/2004 | ENVIRONMENTAL MANAGEMENT SYSTEM |
| 5/10/2009 | ENVIRONMENTAL MANAGEMENT SYSTEM |
| 05/10/2009 | ENVIRONMENTAL MANAGEMENT SYSTEM |

| |
|----------------------------|
| NON 30 TAC CH 90 CERTIFIED |
| 30 TAC CERTIFIED |
| 30 TAC CERTIFIED |

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

**AGREED ORDER
DOCKET NO. 2011-0688-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 Motiva Enterprises LLC (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have 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 owns and operates an oil refinery at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on March 24, 2011, TCEQ staff determined that the Respondent failed to prevent unauthorized emissions. Specifically, on February 15, 2011, Incident No. 150806 occurred at the Delayed Coking Unit ("DCU") Wet Gas Compressor due to leaking crank shaft seals in the compressor causing low oil levels. When an operator drained and refilled the reservoir, a drain valve was left open on the oil reservoir, resulting in the unauthorized release of 69,944 pounds ("lbs") of sulfur dioxide, 1,569 lbs of carbon monoxide, 217 lbs of nitrogen oxides, 2,470 lbs of volatile organic compounds, and 758 lbs of hydrogen sulfide from the DCU Flare for three hours and 40 minutes. The TCEQ determined that the emissions event could have been avoided by better operational and/or maintenance practices.
4. The Respondent received notice of the violations on May 2, 2011.

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 §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSD-TX-1062, Special Conditions Nos. 1 and 5, and Federal Operating Permit No. O1386, General Terms and Conditions and Special Terms and Conditions No. 16A. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. 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.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Ten Thousand Dollar (\$10,000) administrative penalty.

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 Dollars (\$10,000) as set forth in Section II, Paragraph 4 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: Motiva Enterprises LLC, Docket No. 2011-0688-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 undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, until such time as the crank shaft seals in the DCU compressor have been replaced, begin manual monitoring of the oil level for the DCU compressor to verify a proper level of oil is maintained during the transfer exchange process, and implement maintenance procedures to prevent recurrence of emissions events due to the same cause as Incident No. 150806;
 - b. Within 30 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.f.;
 - c. Within 45 days after the effective date of this Agreed Order, install a new low-level alarm system to ensure normal levels of oil pressure in both the motor and compressor oil reservoirs in the DCU;
 - d. Within 60 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.c., as described in Ordering Provision No. 2.f.;
 - e. Within 365 days after the effective date of this Agreed Order, replace crank shaft seals in the DCU compressor; and

- f. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

11/17/11

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Motiva Enterprises LLC. I am authorized to agree to the attached Agreed Order on behalf of Motiva Enterprises LLC, 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, Motiva Enterprises LLC 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.

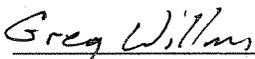
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- 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.

Signature

Date



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



Title

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