

Executive Summary – Enforcement Matter – Case No. 42206
The Premcor Refining Group Inc.
RN102584026
Docket No. 2011-1355-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Port Arthur Refinery, 1801 South Gulfway Drive, Port Arthur, Jefferson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2009-0947-AIR-E and 2010-0909-MLM-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 2, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,000

Amount Deferred for Expedited Settlement: \$6,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$12,000

Name of SEP: Southeast Texas Regional Planning Commission - West Port Arthur

Home Energy Efficiency Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$-225

Applicable Penalty Policy: September 2002

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Docket No. 2011-1355-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 3, 2011 and June 7, 2011

Date(s) of NOE(s): July 20, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 220.00 pounds ("lbs") of carbon monoxide, 0.20 lbs of hydrogen sulfide, 57.02 lbs of nitrogen oxides, 6.45 lbs of particulate matter, 1,243.86 lbs of sulfur dioxide, and 4.67 lbs of volatile organic compounds ("VOC") were released from the Shell Claus Off-Gas Treating Unit ("SCOT")-4 Tail Gas Incinerator, emission point number ("EPN") E-04-SCOT, in the Sulfur Recovery Unit 546, during an avoidable emissions event (Incident No. 148540) that began on December 16, 2010 and lasted 17 hours and 15 minutes. The event occurred when the shutter mechanism in the flame scanner (BE-2638) of the SCOT-4 Tail Gas Unit In-Line Heater (H-9501) failed causing the unit to trip, resulting in increased emissions being routed to the incinerator (during which time the secondary flame scanner was inoperable, and would have prevented the event if it was operable). Since this event could have been avoided by better operational 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 122.143(4), Federal Operating Permit ("FOP") No. O1498, General Terms and Conditions and Special Terms and Conditions No. 18, New Source Review ("NSR") Flexible Permit Nos. 6825A, PSDTX49, and N65, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 152.10 lbs of VOC, including 10.33 lbs of benzene, were released from the waste water treatment unit ("WWTU") regenerative thermal oxidizer ("RTO"), EPN E-01-RTO, in the WWTU 8742, during an emissions event (Incident No. 150655) that began on February 11, 2011 and lasted 17 hours and 26 minutes. The event occurred when the WWTU RTO tripped due to a failed limit switch on the inlet emergency isolation valve (Valve XV-4051) and the Respondent was unable to sufficiently explain the cause of the switch failure. Since sufficient information was not provided to determine the cause of the event, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 106.4(c) and 122.143(4), FOP No. O2228, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 179.94 lbs of VOC, including 12.06 lbs of benzene, were released from the WWTU RTO, EPN E-01-RTO, in the WWTU 8742, during an emissions event (Incident No. 150321) that began on February 5, 2011 and lasted 21 hours and 15 minutes. The event occurred when the WWTU RTO tripped on high bed temperature due to a high concentration of

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RN102584026
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light hydrocarbons and the Respondent was unable to sufficiently explain the cause of the high hydrocarbon concentration. Since sufficient information was not provided to determine the cause of the event, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 106.4(c) and 122.143(4), FOP No. O2228, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 26, 2011, the Respondent has implemented the following corrective action measures at the Plant:

- a. In response to Incident No. 148540, replaced the flame scanner (BE-2638) that failed and moved the flame scanner with a plugged nozzle to an adjacent nozzle;
- b. In response to Incident No. 150655, replaced the defective limit switch (Valve XV-4051) on the RTO inlet isolation valve; and
- c. In response to Incident No. 150321, increased the nitrogen header pressure to 80 pound-force per square inch to prevent the RTO from tripping.

Technical Requirements:

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

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: Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: J. Greg Gentry, Vice President and General Manager, The Premcor Refining Group Inc., P.O. Box 909, Port Arthur, Texas 77641-0909
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-1355-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Payable Penalty Amount:	Twenty-Four Thousand Dollars (\$24,000)
SEP Amount:	Twelve Thousand Dollars (\$12,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

The Premcor Refining Group Inc.
Agreed Order - Attachment A

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

The Premcor Refining Group Inc.
Agreed Order - Attachment A

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Jul-2011	Screening	1-Aug-2011	EPA Due	N/A
	PCW	13-Sep-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	The Premcor Refining Group Inc.		
Reg. Ent. Ref. No.	RN102584026		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	42206	No. of Violations	3	
Docket No.	2011-1355-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Trina Grieco	
		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 NOV's with same/similar violations, 11 NOV's with dissimilar violations, four orders with denial of liability, seven orders without a denial of liability, and one court order with denial of liability.
 Reduction for eight Notice of Audit letters and three Disclosure of Violations submitted 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
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 1-Aug-2011

Docket No. 2011-1355-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 42206

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Trina Grieco

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	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	7	175%
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>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<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>)	8	-8%
	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>)	3	-6%
<i>Please Enter Yes or No</i>			
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) 303%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, 11 NOVs with dissimilar violations, four orders with denial of liability, seven orders without a denial of liability, and one court order with denial of liability. Reduction for eight Notice of Audit letters and three Disclosure of Violations submitted and an Environmental Management System in place for one year or more.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 303%

Screening Date 1-Aug-2011

Docket No. 2011-1355-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 42206

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit ("FOP") No. 01498, General Terms and Conditions and Special Terms and Conditions No. 18, New Source Review ("NSR") Flexible Permit Nos. 6825A, PSDTX49, and N65, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 220.00 pounds ("lbs") of carbon monoxide, 0.20 lbs of hydrogen sulfide, 57.02 lbs of nitrogen oxides, 6.45 lbs of particulate matter, 1,243.86 lbs of sulfur dioxide, and 4.67 lbs of volatile organic compounds ("VOC") were released from the Shell Claus Off-Gas Treating Unit ("SCOT")-4 Tail Gas Incinerator, emission point number ("EPN") E-04-SCOT, in the Sulfur Recovery Unit 546, during an avoidable emissions event (Incident No. 148540) that began on December 16, 2010 and lasted 17 hours and 15 minutes. The event occurred when the shutter mechanism in the flame scanner (BE-2638) of the SCOT-4 Tail Gas Unit In-Line Heater (H-9501) failed causing the unit to trip, resulting in increased emissions being routed to the incinerator (during which time the secondary flame scanner was inoperable, and would have prevented the event if it was operable). Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$10,075

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

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 42206
Reg. Ent. Reference No. RN102584026
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	16-Dec-2010	26-Aug-2011	0.69	\$52	n/a	\$52

Notes for DELAYED costs

Estimated expense to implement measures designed to prevent the shutter mechanism in the flame scanner from falling. The Date Required is the date of the event. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$52

Screening Date 1-Aug-2011

Docket No. 2011-1355-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 42206

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 106.4(c) and 122.143(4), FOP No. O2228, General Terms and Conditions and Special Terms and Conditions No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 152.10 lbs of VOC, including 10.33 lbs of benzene, were released from the waste water treatment unit ("WWTU") regenerative thermal oxidizer ("RTO"), EPN E-01-RTO, in the WWTU 8742, during an emissions event (Incident No. 150655) that began on February 11, 2011 and lasted 17 hours and 26 minutes. The event occurred when the WWTU RTO tripped due to a failed limit switch on the inlet emergency isolation valve (Valve XV-4051) and the Respondent was unable to sufficiently explain the cause of the switch failure. Since sufficient information was not provided to determine the cause of the event, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$40

Statutory Limit Test

Violation Final Penalty Total \$10,075

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

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 42206
Reg. Ent. Reference No. RN102584026
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	11-Feb-2011	26-Aug-2011	0.54	\$40	n/a	\$40

Notes for DELAYED costs

Estimated expense to implement measures designed to prevent failure of the limit switch on Valve XV-4051. The Date Required is the date of the event. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$40

Screening Date 1-Aug-2011

Docket No. 2011-1355-AIR-E

PCW

Respondent The Premcor Refining Group Inc.

Policy Revision 2 (September 2002)

Case ID No. 42206

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102584026

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 106.4(c) and 122.143(4), FOP No. O2228, General Terms and Conditions and Special Terms and Conditions No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 179.94 lbs of VOC, including 12.06 lbs of benzene, were released from the WWTU RTO, EPN E-01-RTO, in the WWTU 8742, during an emissions event (Incident No. 150321) that began on February 5, 2011 and lasted 21 hours and 15 minutes. The event occurred when the WWTU RTO tripped on high bed temperature due to a high concentration of light hydrocarbons and the Respondent was unable to sufficiently explain the cause of the high hydrocarbon concentration. Since sufficient information was not provided to determine the cause of the event, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed protective levels as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$10,075

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

Economic Benefit Worksheet

Respondent The Premcor Refining Group Inc.
Case ID No. 42206
Reg. Ent. Reference No. RN102584026
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	5-Feb-2011	26-Aug-2011	0.55	\$42	n/a	\$42

Notes for DELAYED costs

Estimated expense to implement measures designed to prevent the build-up of hydrocarbon concentration in the WWTU RTO. The Date Required is the date of the event. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$42
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Compliance History

Customer/Respondent/Owner-Operator: CN601420748 The Premcor Refining Group Inc. Classification: AVERAGE Rating: 16.62
 Regulated Entity: RN102584026 VALERO PORT ARTHUR REFINERY Classification: AVERAGE Site Rating: 45.00

ID Number(s):	AIR OPERATING PERMITS	PERMIT	3423
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0042B
	AIR OPERATING PERMITS	PERMIT	1498
	AIR OPERATING PERMITS	PERMIT	2227
	AIR OPERATING PERMITS	PERMIT	2228
	AIR OPERATING PERMITS	PERMIT	2229
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008090409
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30004
		(SWR)	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50350
	AIR NEW SOURCE PERMITS	REGISTRATION	93737
	AIR NEW SOURCE PERMITS	REGISTRATION	94830
	AIR NEW SOURCE PERMITS	REGISTRATION	91727
	AIR NEW SOURCE PERMITS	REGISTRATION	91911
	AIR NEW SOURCE PERMITS	REGISTRATION	17038
	AIR NEW SOURCE PERMITS	PERMIT	6825A
	AIR NEW SOURCE PERMITS	REGISTRATION	12454A
	AIR NEW SOURCE PERMITS	REGISTRATION	12553A
	AIR NEW SOURCE PERMITS	REGISTRATION	13635A
	AIR NEW SOURCE PERMITS	REGISTRATION	13698A
	AIR NEW SOURCE PERMITS	REGISTRATION	28778
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0042B
	AIR NEW SOURCE PERMITS	AFS NUM	4824500004
	AIR NEW SOURCE PERMITS	PERMIT	N65
	AIR NEW SOURCE PERMITS	PERMIT	80812
	AIR NEW SOURCE PERMITS	REGISTRATION	94165
	AIR NEW SOURCE PERMITS	REGISTRATION	94365
	AIR NEW SOURCE PERMITS	REGISTRATION	84905
	AIR NEW SOURCE PERMITS	PERMIT	86757
	AIR NEW SOURCE PERMITS	REGISTRATION	87773
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX49M1
	AIR NEW SOURCE PERMITS	REGISTRATION	84929
	AIR NEW SOURCE PERMITS	REGISTRATION	87917
	AIR NEW SOURCE PERMITS	REGISTRATION	91500
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30004
		(SWR)	
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00987
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0042B

Location: 1801 S GULFWAY DR, PORT ARTHUR, TX, 77640

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 26, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 26, 2006 to July 26, 2011

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

Name: Trina Grieco Phone: (210) 403-4006

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: 09/21/2007

ADMINORDER 2006-0738-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: 6825A/PSD-TX-49, SC 5A PERMIT

Description: Valero failed to comply with permitted emissions limits during an emissions event that occurred on October 24, 2005.

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 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 6825A SC 5A, PSD TX 49 SC 5A PA
Permit 6825A, PSD-TX 49, SC1A(1) PA

Description: Failed to comply with the permitted emissions limits and burned fuel gas exceeding a maximum allowable 160 ppm sulfur content during an emissions event that occurred on November 19, 2005 and November 20, 2005.

Classification: Moderate

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

Description: failed to timely report an emissions event.

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)

Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT

Description: Failed to prevent unauthorized emissions during an emission event that occurred on October 28, 2005

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)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT

Description: failed to prevent unauthorized emissions during an emissions event that occurred on May 1, 2006.

Effective Date: 12/20/2007

ADMINORDER 2007-0385-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 THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP
O-02229, Special Condition 15A 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 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 1A PERMIT
6825A/PSD-TX-49, Special Condition 3B PERMIT

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

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 THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions on 2/21/06.

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 THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions on 4/19/06.

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 THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions on 6/29/06.

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 THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions on 7/21/06.

Effective Date: 01/12/2008

ADMINORDER 2007-0149-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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP
O-02229, Special Condition 15A OP

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

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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

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

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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP

O-02229, Special Condition 15A OP

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

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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP
O-02229, Special Condition 15A OP

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

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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP
O-02229, Special Condition 15A OP

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

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 THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-02229, General Terms and Conditions OP
O-02229, Special Condition 15A OP

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

Effective Date: 02/25/2008

ADMINORDER 2007-0956-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)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit 6825A PERMIT

Description: Failed to prevent unauthorized emissions as documented during an investigation conducted on March 20, 2007. Specifically, during an emission event on February 1, 2007, over a period of 8 minutes, EPN E-23-FLARE emitted 1,779.85 lbs of SO₂, 93.87 lbs of CO, 19.34 lbs of H₂S. emissions event resulted when the Hot Maintenance Drop Out (HMDO) drum overhead vapor line was inadvertently isolated downstream of the Diesel Hydrotreater (DHT)-246 off gas tie-in, instead of being isolated upstream.

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted February 16, 2007 through March 28, 2007. Specifically, during an emission event on January 16, 2007, EPN E-01-SCOT emitted 1,921.66 lbs of SO₂, 63.8 lbs of CO, 0.39 lbs of PM, and 16.47 lbs of H₂S for 2 hours and 53 minutes. EPN E-02-SCOT emitted 168.72 lbs of SO₂ and 10.15 lbs of CO for 2 hours and 5 minutes. EPN E-03-SCOT emitted 4,979.19 lbs of SO₂ and 711.23 lbs of CO for 4 hours and 12 minutes.

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted February 16, 2007 through March 28, 2007. Specifically, during an emission event on January 31, 2007,

over a period of 1 hour and 30 minutes, EPN FLARE 103 emitted 1,102.77 lbs of SO₂, 58.53 lbs of CO, 11.97 lbs of H₂S, 8.1 lbs of nitrogen oxides ("NO_x"), 3.27 lbs of PM, and 153.09 lbs VOC. The permit does not authorize any upset emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted on April 23, 2007. Specifically, during an emission event from March 27, 2007 through March 30, 2007, over a period of 63 hours and 12 minutes, 3 pressure release valves in the Wastewater Treating Unit (EPN F-WWTU-8742) emitted 150.19 lbs of H₂S and 971.41 lbs VOC. Upset emissions from F-WWTU-8742 are not authorized.

Effective Date: 04/14/2008

ADMINORDER 2007-1358-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)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failed to maintain compliance below the maximum allowable emission rate limits

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

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 12/04/2008

ADMINORDER 2008-0435-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 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 2.F OP

Description: Failed to report an emissions event within 24 hours of discovery.

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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
STC 18 OP

Description: Failed to maintain the Flare 22 [Emission Point No. ("EPN") F-22-Flare] emission rates below the allowable emission limits.

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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
O-01498, STC 18 OP
O-02229, GENERAL CONDITIONS OP
O-02229, STC15 OP

Description: Failed to maintain emission rates below the allowable emission limits for Flare 103B (EPN F-103-Flare, Tank 151 (EPN T-151), and Flare 23 (EPN E-23-Flare).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to timely report a shutdown that occurred at the Gulfining Unit (EPN GFU-244) that

started on October 5, 2007, at 6:00 a.m., and ended October 10, 2007, at 12:00 a.m.

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: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No.18 OP

Description: Failed to maintain Flare 19 (EPN E-19-Flare) emission rates below the allowable emission limits.

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: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No. 18 OP

Description: Failed to maintain emission rates below the allowable emission limits at the SCOT-1 Tail Gas Incinerator (EPN E-01-SCOT).

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 THSC Chapter 382 382.085(b)

Rqmt Prov: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, STC No. 18 OP

Description: Failed to maintain the Flare 23 (EPN F-23-Flare) emission rates below the allowable emission limits.

Effective Date: 01/30/2009

ADMINORDER 2007-1455-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01498, General Terms and Conditions OP

Description: Failure to properly report an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 7600A, Special Condition 1 PERMIT
O-01498, General Terms and Conditions OP
O-01498, Special Condition 18A OP

Description: Failure to properly operate Tank 283 and Tank 284.

Effective Date: 02/22/2009

ADMINORDER 2008-0742-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a final report in a timely manner.

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: 6825A/PSD-TX-49, SPECIAL CONDITION 5A PERMIT
O-01498, SPECIAL CONDITION 18 OP
Description: Failure to maintain an emission rate below the allowable emission limit.

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: 6825A / PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
Description: Failure to maintain emission rates below the allowable emission limits.

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

Description: Failure to properly report an emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)
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 A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
Description: Failure to maintain emission rates below the allowable emission limits

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: 6825A/PSD-TX-49, Special Condition 5A PERMIT
O-01498, General Terms and Conditions OP
Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 06/01/2009 ADMINORDER 2008-1043-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP

Description: Failed to prevent the release of unauthorized contaminants into the atmosphere.

Effective Date: 08/31/2009 ADMINORDER 2009-0151-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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failed to prevent unauthorized emissions during Incident No. 108928.
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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failed to prevent unauthorized emissions during Incident No. 111065.
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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failed to prevent unauthorized emissions during Incident No. 113023.

Effective Date: 09/23/2009

COURTORDER

Classification: Moderate
Citation: 5C THSC Chapter 382 382.085
Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 4, 2003, referred to as investigation no. 28570. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 44442, 44448, 44454, 44459, 44462, 44472, 44477, 44496, 44498, 44512, 44517, 44519, 44532, 44535, 44550, 44557
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain emission rate below allowable limit.
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)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT
Description: Failure to maintain emission rate below allowable limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: Standard Exemption No. 88 PA

Description: Failure to satisfy the condition of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

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

Description: Failure to maintain emission rate below allowable limit.

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

Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

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

Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

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

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Standard Exemption 88 PA

Description: Failure to meet the conditions of a standard exemption.

Classification: Moderate

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

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

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

Rqmt Prov: 5215A, SC1 PERMIT

Description: Failure to maintain emission rate below allowable limit.

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

Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

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

Rqmt Prov: Flexible Permit 6825A, SC19 PERMIT

PSD-TX-49, SC 19 PERMIT

Description: Failure to comply with requirements of a permit.

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

Rqmt Prov: Flexible Permit, 6825A SC 5B PERMIT
PSD-TX-49, SC5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

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

Rqmt Prov: Flexible permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

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

Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Standard Exemption No. 88 PA

Description: Failure to satisfy the condition of a standard exemption.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Standard Exemption No. 88 PA

Description: Failure to meet the conditions of a standard exemption.

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

Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
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: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5 PERMIT
Standard Exemption No. 88 PA

Description: Failure to maintain emission rate below allowable limit and meet the conditions of a standard exemption.

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

Rqmt Prov: Flexible Permit 6825A, SC 5B PERMIT
PSD-TX-49, SC 5B PERMIT

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

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

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

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

Description: Failure to maintain emission rate below allowable limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an upset within 24 hours of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

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

Description: Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

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

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Failure to report all information required for emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to report all information required for an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to report all information required for an emissions event.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about August 12, 1998. By an August 31, 1998 letter to the Defendants, The TCEQ listed the violations observed during the investigation. A copy of the August 12, 1998 investigation, without attachments, is attached as Appendix A and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about March 12, 1999. By a March 22, 1999 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the March 22, 1999, letter to the Defendants is attached as Appendix C and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about June 17, 1999. The TCEQ describes the violation observed during the investigation in a July 9, 1999, Enforcement Action Referral. A copy of the July 9, 1999, Enforcement Action Referral, without attachments, is attached as Appendix D and incorporated herein for all purposes.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about June 14, 1999 and August 4, 1999. By June 30, 1999 and August 24, 1999, letters to the Defendants, the TCEQ listed the violations observed during the two investigations. A copy of the

June 14, 1999 investigation, without attachments, is attached as Appendix E and incorporated

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: SC39A PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about July 20, 2000. By a September 7, 2000, letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the July 20, 2000 investigation, without attachments, is attached as Appendix I and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: NA PERMIT

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in investigations conducted at the Port Arthur, Texas refinery on or about November 3, 2000, and March 26, 2001. By April 21, 2001 letter to the Defendants, the TCEQ listed the violations observed during the investigation. A copy of the November 3, 2000 investigation, without attachments, is attached as Appendix K and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 3, 2001. By April 24, 2001 letter to the Defendants, the TCEQ listed the violation observed during the investigation. A copy of the April 3, 2001 investigation, without attachments, is attached as Appendix N and incorporated herein for all purposes

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about November 12, 2003, referred to as investigation no. 258663. The investigation describes the violation in narrative form and identifies the violation by tracking number 150854 in the investigation. A copy of investigation no. 258663, without attachments

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 20, 2004 referred to as investigation no. 270296. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 161061 and 161062 in the investigation. A copy of investigation no. 270296, without attachments

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: Permit 6825A Special Condition 5B PA
PSD-TX-49 Special Condition 5B PA

Description: Failure to prevent unauthorized emissions release at the facility.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 20, 2005, referred to as investigation no. 276009. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 188937, 188938, 188940, 188941, 188942, 188943, 188944, 188945, 188946, 188947, 188948, 188949, 188950, And...

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 6825A/PSD-TX-49, SC 25A PERMIT

Description: Failure to prevent visible emissions at the Atmospheric Vacuum Unit (AVU)-146 H-101 Heater.

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: 6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
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 regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37961).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37961).

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: 6825A/PSD-TX-49, SC 5A PERMIT

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

Failure to maintain an emission rate below the emission cap limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(4)
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 regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 37962).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 37962).

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: 6825A/PSD-TX-49, SC 5A PERMIT

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

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 regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38022).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly identify authorized emissions limits for an emissions event, which began on April 14, 2004 (STEERS Incident 38022).

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: 6825A/PSD-TX-49, SC 5A PERMIT

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

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 regional office of a reportable emissions event, which began on April 14, 2004 (STEERS Incident 38026).

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: 6825A/PSD-TX-49, SC 5A PERMIT

Description: Failure to maintain an emission rate below the emission cap's hourly contribution limit.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about January 24, 2005, referred to as investigation no. 346253. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 190534, 190543, 190551, and 190558 in the investigation. A copy of investigation no. 346253, without attachments . . .

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

Rqmt Prov: Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Atmospheric Vacuum Unit (AVU) 146 during incident No. 32824.

Classification: Moderate

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

Description: Failure to report an emission event (Incident No. 33539) within 24 hours

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

Rqmt Prov: Permit 6825A, PSD-TX-49, SC 17C PA
Permit 6825A, PSD-TX-49, SC 5A PA

Description: Failure to prevent unauthorized emissions from the Scot 1 Incinerator during incident No. 33539 and failure to continuously monitor from hydrocarbon layer thickness by electronic gauge.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation conducted at the Port Arthur, Texas refinery on or about April 8, 2005, referred to as investigation no. 348169. The investigation describes the violations in narrative form and identifies the violation by tracking numbers 208879 in the investigation. A copy of investigation no. 348169, without attachments, is attached as Appendix U

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about June 30, 2005, referred to as investigation no. 396901. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 210570 and 210577 in the investigation. A copy of investigation no. 396901, without attachments, is attached as Appendix V

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 40540, 40543, 51468, and 53830.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 27, 2005, referred to as investigation no. 402102. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 212393 and 212460 in the investigation. A copy of investigation no. 402102, without attachments, is attached as Appendix X and incorpo

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

Rqmt Prov: 6825A/PSD-TX-49 PERMIT

Description: Failure to prevent unauthorized emissions during Incident Nos. 51075, 51078, 51081, 51084, and 51087.

Classification: Minor

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about July 26, 2005, referred to as investigation no. 403310. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 213083, 213088, and 213090 in the investigation. A copy of investigation no. 403310, without attachments

Classification: Moderate

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

Description: Failure to submit an initial notification for an emissions event.

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

Rqmt Prov: 6825A/PSD-TX-49, SC 5A PERMIT

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

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 8, 2005, referred to as investigation no. 337449. The investigation describes the violations in narrative form and identifies the violations by tracking numbers 214475 and 214478 in the investigation. A copy of investigation no. 337449, without attachments, is attached as Appendix Y

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain the CO 9 Boiler bypass valve to prevent unauthorized emissions during normal operation from April 2004 to the end of February 2005. B13

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: Defendants violated Section 382.085 of the TCAA, and regulations promulgated and permits issued to implement the TCAA, as documented in an investigation the Port Arthur, Texas refinery on or about August 29, 2005, referred to as investigation no. 418593. The investigation describes the violations in narrative form and identifies the violations by tracking number 218082 in the investigation. A copy of investigation no. 418593, without attachments, is attached as Appendix Z and

Effective Date: 03/20/2010

ADMINORDER 2009-0511-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: 6825A/PSD-TX-49 PERMIT
O-01498 OP

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

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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failure to maintain an emission rate below the allowable emission limits.
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: 6825A/PSD-TX-49, SC 5A PERMIT
O-01498, GENERAL CONDITIONS OP
Description: Failure to maintain an emission rate below the allowable emission limits.

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	(273484)
2	12/28/2006	(395082)
3	08/31/2006	(454753)
4	08/31/2006	(466054)
5	08/30/2006	(482855)
6	07/28/2006	(483694)
7	10/10/2006	(512174)
8	12/19/2006	(512175)
9	01/25/2007	(512183)
10	11/15/2006	(515161)
11	11/06/2006	(515244)
12	11/18/2006	(517423)
13	01/25/2007	(531282)
14	01/25/2007	(531842)
15	01/04/2007	(533453)
16	01/25/2007	(535004)
17	04/21/2007	(537071)
18	02/14/2007	(537911)
19	02/02/2007	(538412)
20	02/01/2007	(538514)
21	02/02/2007	(538987)
22	02/02/2007	(539009)
23	04/21/2007	(539391)
24	03/20/2007	(540167)
25	04/21/2007	(541913)
26	04/26/2007	(542530)
27	05/17/2007	(554503)
28	05/17/2007	(554971)
29	05/17/2007	(555573)
30	05/17/2007	(555595)
31	06/13/2007	(557367)
32	05/14/2007	(558406)
33	05/17/2007	(558483)
34	06/01/2007	(558971)

35	07/26/2007	(559734)
36	06/20/2007	(561471)
37	05/31/2007	(561603)
38	07/06/2007	(563007)
39	07/26/2007	(567176)
40	08/28/2007	(567639)
41	08/28/2007	(568208)
42	08/31/2007	(570927)
43	08/22/2007	(571648)
44	08/31/2007	(574001)
45	10/24/2007	(594169)
46	09/17/2007	(594355)
47	11/26/2007	(597187)
48	11/20/2007	(597292)
49	11/26/2007	(599083)
50	11/28/2007	(600706)
51	01/14/2008	(609022)
52	11/28/2007	(609718)
53	01/13/2008	(609850)
54	12/18/2007	(609958)
55	01/15/2008	(610932)
56	01/14/2008	(611965)
57	02/13/2008	(613169)
58	01/04/2008	(613529)
59	02/07/2008	(614107)
60	03/06/2008	(615451)
61	04/01/2008	(615917)
62	02/06/2008	(617409)
63	02/07/2008	(617548)
64	02/27/2008	(617570)
65	04/15/2008	(636257)
66	05/13/2008	(637346)
67	05/13/2008	(639601)
68	03/30/2008	(640081)
69	04/22/2008	(640467)
70	05/07/2008	(640491)
71	05/28/2008	(640609)
72	05/16/2008	(641333)
73	05/13/2008	(653456)
74	04/29/2008	(653905)
75	06/12/2008	(671631)
76	06/26/2008	(680362)
77	06/17/2008	(683429)
78	12/04/2008	(709108)
79	01/27/2009	(709880)
80	01/15/2009	(721121)
81	02/10/2009	(722221)
82	02/18/2009	(723247)
83	03/10/2009	(726477)
84	02/18/2009	(726815)
85	03/03/2009	(736950)

86 03/05/2009 (737300)
87 03/20/2009 (739247)
88 04/02/2009 (741291)
89 06/30/2009 (742290)
90 06/03/2009 (743772)
91 06/17/2009 (744886)
92 06/29/2009 (760309)
93 07/30/2009 (760486)
94 08/28/2009 (761367)
95 07/16/2009 (761577)
96 07/16/2009 (761582)
97 08/31/2009 (762200)
98 08/26/2009 (763057)
99 11/06/2009 (764488)
100 10/13/2009 (766946)
101 10/14/2009 (767494)
102 10/13/2009 (767695)
103 10/13/2009 (767705)
104 10/13/2009 (767708)
105 10/07/2009 (775036)
106 10/05/2009 (775315)
107 10/14/2009 (779064)
108 11/18/2009 (779374)
109 12/21/2009 (781035)
110 12/23/2009 (783033)
111 12/11/2009 (783903)
112 12/09/2009 (784945)
113 01/28/2010 (785027)
114 12/23/2009 (785403)
115 12/23/2009 (785755)
116 12/22/2009 (785832)
117 01/29/2010 (786198)
118 02/01/2010 (788081)
119 02/01/2010 (788274)
120 06/01/2010 (788840)
121 05/06/2010 (789684)
122 04/12/2010 (790271)
123 03/19/2010 (795261)
124 04/14/2010 (796429)
125 05/20/2010 (797761)
126 05/06/2010 (800545)
127 05/24/2010 (801617)
128 06/02/2010 (803054)
129 06/11/2010 (824255)
130 06/07/2010 (825637)
131 07/31/2010 (830461)
132 08/02/2010 (842714)
133 11/15/2010 (871779)
134 11/30/2010 (872652)
135 11/30/2010 (877086)
136 03/07/2011 (901931)
137 04/15/2011 (906545)

138 06/25/2011 (920460)

139 07/20/2011 (924140)

140 07/20/2011 (932570)

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

Date: 08/31/2006 (482855) CN601420748

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02228 Special Condition 13H OP
Description: Failure to maintain proper documentation as listed in the Semiannual Deviation Report for FOP O-02228 dated May 25, 2005 to November 25, 2005 and November 26, 2005 to May 25, 2006.

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 THC Chapter 382, SubChapter D 382.085(b)
Flex Permit 6825A/PSD-TX-49 SC 37C PERMIT
O-02229, Special Condition 15 OP
Description: Failure to maintain proper documentation of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.

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 THC Chapter 382, SubChapter D 382.085(b)
Flex Permit 6825A/PSD-TX-49, SC 24A PERMIT
O-02229, Special Condition 15 OP
Description: Failure to maintain Incinerator Firebox Temperature as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2004 to July 16, 2004.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.654(g)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02229, Special Condition 1D OP
Description: Failure to submit a semiannual report in a timely manner.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to maintain a 250 ppm SO2 emission limit at the sulfur recovery plant as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02229, Special Condition 3 OP
Description: Failure to conduct a daily notation in the flare operation log as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2004 to January 15, 2005.

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 THC Chapter 382, SubChapter D 382.085(b)
6825A/PSD-TX-49, Special Condition 20C PERMIT
O-02229, Special Condition 15 OP
Description: Failure to properly operate the H2S degasser for FOP O-02229 dated January 16, 2005 to July 16, 2005.

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)
40 CFR Chapter 64, SubChapter C, PT 64 64.7(c)
5C THC Chapter 382, SubChapter D 382.085(b)
6825A/PSD-TX-49, Special Condition 37C PERMIT
O-02229, Special Condition 14A OP
O-02229, Special Condition 15 OP

Description: Failure to complete a 15 minute cycle of CEMS data as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02229, Special Condition 1E OP

Description: Failure to record bypass valve position at least once per hour as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2005 to July 16, 2005.

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 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 60.482-9
5C THC Chapter 382, SubChapter D 382.085(b)
6825A/PSD-TX-49, Special Condition 28I PERMIT
O-02229, Special Condition 15 OP

Description: Failure to place on a shutdown list within 15 days of documenting a leak as listed in the Semiannual Deviation Report for FOP O-02229 dated July 16, 2005 to January 16, 2006.

Date: 04/20/2007 (540167) CN601420748

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a final record as required by subsection 30 TAC 101.211(c) to the commission office for the region in which the regulated entity is located and to appropriate local air pollution agencies with jurisdiction no later than two weeks after the end of the scheduled activity.

Date: 06/14/2007 (557367) CN601420748

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02229, SC 1A OP

Description: Failure to record the time of day in the flare log.

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 113.100
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
6825A/PSD-TX-49, SC 4B PERMIT
O-02229, SC 15 OP
O-02229, SC 1A OP

Description: Failure to continuously monitor the flare.

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 THC Chapter 382, SubChapter D 382.085(b)
6825/PSD-TX-49, SC 24A PERMIT
O-02229, SC 15 OP

O-02229, SC 1A OP
Description: Failure to record incinerator temperature.
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 THC Chapter 382, SubChapter D 382.085(b)
6825A/PSD-TX-49, SC 20C PERMIT
O-02229, SC 15 OP
O-02229, SC 1A OP

Description: Failure to properly degas liquid sulfur.
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 D 382.085(b)
O-02229, General Conditions OP

Description: Failure to report a deviation.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart FF 61.356(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02227, SC 1A OP

Description: Failure to maintain records for a control device.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
5C THC Chapter 382, SubChapter D 382.085(b)
6825A/PSD-TX-49, SC 3A and 28E PERMIT
O-02229, SC 15 OP

Description: Failure to seal an open line.

Date: 08/29/2007 (567639) CN601420748
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02229, General Terms and Conditions OP
O-02229, Special Condition 2F OP
Description: Failure to properly report an emissions event.

Date: 11/27/2007 (597187) CN601420748
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.300
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(4)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02227, SC 1D OP
Description: Failure to obtain documentation of a vapor tightness pressure test.

Date: 02/07/2008 (614107) CN601420748
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to include time of day in daily flare log as listed in two Semiannual Deviation Reports for FOP O-02229.

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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

Description: Failure to monitor pilot flame on a continuous basis as listed in three Semiannual Deviation Reports for FOP O-02229.

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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

Description: Failure to conduct soft coke moisture sampling on a weekly basis as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2006 until July 15, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(e)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(f)(1)
5C THSC Chapter 382 382.085(b)
O-02229 OP

Description: Failure to maintain performance level certification as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2006 until July 15, 2006.

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)
O-02229 OP

Description: Failure to report a deviation in a timely manner as listed in the Semiannual Deviation Report for FOP O-02229 dated January 16, 2006 until July 15, 2006.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49 PERMIT
O-02229 OP

Description: Failure to cap an open-ended line as listed in two Semiannual Deviation Reports for FOP O-02229 dated July 15, 2006 until January 15, 2007 and January 16, 2007 until July 16, 2007.

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)
6825A/PSD-TX-75 PERMIT
O-02229 OP

Description: Failure to obtain a permit for air contaminants as listed in two Semiannual Deviation Report for FOP O-02229 dated July 15, 2006 until January 15, 2007.

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)
6825A/PSD-TX-49 PERMIT
O-02229 OP

Description: Failure to maintain sulfur removal efficiency as listed in the Semiannual Deviation Report for O-02229 dated January 16, 2007 until July 16, 2007.

Date: 05/28/2008 (640886) CN601420748
Self Report? NO Classification: Minor
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 VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)

5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 28E PERMIT
O-01498, SC 18 OP

Description: Failure to cap open-ended lines as listed in two Semiannual Deviation Reports for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(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)
6825A/PSD-TX-49, SC 28J PERMIT
O-01498, SC 18 OP

Description: Failure to conduct VOC leak repairs as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
5C THSC Chapter 382 382.085(b)

Description: Failure to record the time of day and if the flare was smoking as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

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)
6825A/PSD-TX-49, SC 4B PERMIT
O-01498, SC 18 OP

Description: Failure to monitor pilot flame on a continuous basis as listed in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

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 61.343(a)(1)(i)(B)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 2B PERMIT
6825A/PSD-TX-49, SC 5A PERMIT
O-01498, SC 18 OP

Description: Failure to maintain a tank seal in a closed position as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

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)
6825A/PSD-TX-49, SC 17C PERMIT
O-01498, SC 18 OP

Description: Failure to monitor a tank for hydrocarbon thickness as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

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)
6825A/PSD-TX-49, SC 18 PERMIT
O-01498, SC 18 OP

Description: Failure to maintain a minimum retention time at a tank as shown in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

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)

6825A/PSD-TX-49, SC 12B PERMIT
O-1498, SC 18 OP

Description: Failure to maintain the proper Wet Gas Scrubber pH as listed in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

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 QQQ 60.690
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 1A(5) PERMIT
O-01498, SC 18 OP

Description: Failure to apply federal rules to a modified unit as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

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)
6825A/PSD-TX-49, SC 35F PERMIT
O-01498, SC 18 OP

Description: Failure to submit a performance testing report in a timely manner as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

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)
6825A/PSD-TX-49, SC 37F PERMIT
O-01498, SC 18 OP

Description: Failure to maintain a CEMS downtime of less than 5% as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

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(c)(1)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 3B PERMIT
O-01498, SC 18 OP

Description: Failure to maintain a weekly chloride level as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007 and July 8, 2007 to January 7, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
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 G 63.120(b)(1)(i)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 3A PERMIT
O-01498, SC 18 OP

Description: Failure to maintain conduct tank seal measurements as reported in a Semiannual Deviation Report for FOP O-01498 dated January 8, 2007 to July 8, 2007.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 12B PERMIT
O-01498, SC 18 OP

Description: Failure to continuously monitor the pH at the FCCU Regenerator Scrubber (aka Wet Gas Scrubber) as reported in a Semiannual Deviation Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

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)
6825A/PSD-TX-49, SC 29A PERMIT
O-01498, SC 18 OP
Description: Failure to record a H2S leak as reported in a Semiannual Deviation Report for FOP
O-01498 dated July 8, 2007 to January 7, 2008.

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 61.347(a)(1)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 2B PERMIT
O-01498, SC 18 OP
Description: Failure to maintain a closed-vent system as reported in a Semiannual Deviation
Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

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 61.346(a)(1)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 2B PERMIT
O-01498, SC 18 OP
Description: Failure to maintain a closed-vent system as reported in a Semiannual Deviation
Report for FOP O-01498 dated July 8, 2007 to January 7, 2008.

Date: 01/15/2009 (721121)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.300
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 Y 63.563(a)(4)(i)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 11B(2) PERMIT
O-02227, SC 12 OP
O-02227, SC 13 OP
O-02227, SC 1D OP
Description: Failure to obtain documentation of a vapor tightness pressure test as reported in
the Semiannual Deviation Report for FOP O-02227 covering June 12, 2007 until
December 11, 2007.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-6
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 28E PERMIT
O-02227, SC 13 OP
Description: Failure to maintain all open-ended lines with a plug, cap, flange or second valve
as reported in the Semiannual Deviation Report for FOP O-02227 covering June
12, 2007 until December 11, 2007 and December 12, 2007 until June 12, 2008.

Date: 02/18/2009 (723247)

Self Report? NO Classification: Minor
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(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 VV 60.482-6(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, Special Condition 3A PERMIT
O-02228, Special Condition 13 OP

Description: Failure to maintain all open-ended lines with a plug, cap, flange or second valve as reported in the Semiannual Deviation Report for FOP O-02228 covering May 25, 2007 until November 23, 2007 and November 24, 2007 until May 26, 2008.

Date: 06/18/2009 (744886)

Self Report? NO Classification: Minor

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)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, 4B PERMIT
O-02229, SC 1A OP

Description: Failure to monitor a pilot flame on a continuous basis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 28E PERMIT
O-02229, SC 15 OP

Description: Failure to cap open-ended lines.

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)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 37F PERMIT
O-02229, SC 15 OP
O-02229, SC 1A OP

Description: Failure to maintain a CEMS downtime of less than 5%.

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)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 52D PERMIT
O-02229, SC 15 OP

Description: Failure to maintain minimum coke moisture content.

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)
5C THSC Chapter 382 382.085(b)
6825A/PSD-TX-49, SC 20B PERMIT
O-02229, SC 15 OP
O-02229, SC 1A OP

Description: Failure to properly degas sulfur.

Date: 07/30/2009 (760486)

Self Report? NO Classification: Minor

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

Description: Failure to record the time of day and if the flare was smoking.

Self Report? NO Classification: Minor

Citation: /PSD-TX-49, SC 4B PERMIT
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)

SC 18 OP
 Description: Failure to monitor pilot flame on a continuous basis.
 Self Report? NO Classification: Minor
 Citation: /PSD-TX-49, SC 12B PERMIT
 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)
 SC 18 OP
 Description: Failure to continuously monitor the pH at the FCCU Regenerator Scrubber (aka Wet Gas Scrubber).
 Self Report? NO Classification: Minor
 Citation: /PSD-TX-49, SC 28E PERMIT
 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 VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 Description: Failure to cap open-ended lines. C10
 Self Report? NO Classification: Moderate
 Citation: /PSD-TX-49, SC 15 PERMIT
 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)
 SC 18 OP
 Description: Failure to maintain a minimum sulfur recovery efficiency of 99.8% at SRU 543.
 Self Report? NO Classification: Moderate
 Citation: /PSD-TX-49, SC 28H PERMIT
 /PSD-TX-49, SC 3A PERMIT
 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(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 VV 60.486(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 SC 18 OP
 Description: Failure to tag a leaking component.
 Date: 11/20/2009 (779374)
 Self Report? NO Classification: Minor
 Citation: 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 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 13 OP
 Special Condition 15A OP
 Special Condition 46E PERMIT
 Special Condition 5A PERMIT
 Description: Failure to install a cap, blind flange, plug, or second valve on thirteen open-ended lines in the Marine Loading Unit as reported in the Deviation Reports for FOP O-02227 covering the reporting periods of June 12, 2008, to December 11, 2008, and December 12, 2008, to June 11, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Description: Failure to install a cap, blind flange, plug, or second valve on thirteen open-ended lines in the Wastewater Treatment Unit 8742 as reported in the deviation reports for FOP O-02228 covering the reporting periods of May 25, 2008, to November 23, 2008, and November 24, 2008, to May 25, 2009.

Date: 05/07/2010 (789684) CN601420748
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)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 18 OP
Special Condition 42F PERMIT

Description: Failure to limit Continuous Emission Monitoring System (CEMS) downtime to less than 5% as reported in the Federal Operating Permits (FOPs) O-01498 and O-02229 semi-annual deviation reports for the reporting periods of January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009.

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)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 6B PERMIT

Description: Failure to operate a flare with a flame present at all times as reported in the FOPs O-01498 and O-02229 semi-annual deviation reports for the reporting periods of January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009.

Self Report? NO Classification: Minor
Citation: 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
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 18 OP
Special Condition 1A OP
Special Condition 46E PERMIT
Special Condition 5A PERMIT

Description: Failure to install a cap, blind flange, plug, or second valve on open-ended lines as reported in the deviation reports for FOPs O-01498 and O-02229 covering the reporting periods of January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.247(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Special Condition 5 OP

Description: Failure to submit the Stage II Vapor Recover Exemption Report as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2009, through June 30, 2009.

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)
General Terms and Conditions OP
Special Condition 18 OP
Special Condition 23A OP
Special Condition 23B PERMIT

Description: Failure to maintain a Hydrogen Sulfide (H2S) concentration of less than 5 parts per million, volume dry (ppmvd) from the tail gas incinerator as reported in the FOP O-01498 semi-annual deviation report for the reporting period of January 1, 2009, through June 30, 2009.

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)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 19B PERMIT

Description: Failure to degas liquid sulfur to a H2S content of 100 parts per million by weight (ppmw) prior to loading into tank trucks as reported in the FOP O-02229 semi-annual deviation reports for the reporting periods of January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009.

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)
General Terms and Conditions OP
Special Condition 15 OP
Special Condition 23A PERMIT
Special Condition 23B PERMIT

Description: Failure to maintain the H2S concentration less than 5 ppmvd as reported in the FOP O-02229 semi-annual deviation report for the reporting period of January 1, 2009, through June 30, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report a deviation and accurately certify compliance.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to submit the NESHAP LDAR report for the reporting period of July 2008 through December 2008.

Self Report? NO Classification: Minor

Citation: 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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 5A PERMIT

Description: Failure to provide all of the required information in a Notification of Compliance Status report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(d)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to report all required information in the semi-annual NESHAP, Subpart CC report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to monitor a pressure relief valve (PRV) within 24 hours after a release as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2009, through December 31, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to monitor one refinery fuel gas valve as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2009, through December 31, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.110(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to maintain the discharge Carbon Monoxide (CO) emissions to less than 400 ppmd as reported in the FOP O-01498 semi-annual deviation report for the reporting period of July 1, 2009, through December 31, 2009.

Date: 06/28/2011 (920460)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.147(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 14 OP
Special Condition 14A OP

Description: Failure to calibrate the temperature monitoring device for the regenerative thermal oxidizer (RTO) in the waste water treatment unit (WWTU).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.147(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
Special Condition 14 OP

Description: Failure to maintain the temperature of the RTO in the WWTU above 1400 F intermittently from January 5, 2010 to March 11, 2010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 16 OP
Special Condition 1A OP

Special Condition 46E PERMIT

Description: Failure to install a plug, cap, or blind on an open-ended line in the marine loading area and in the WWTU.

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)
General Terms and Conditions OP

Description: Failure to report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

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)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification.

F. Environmental audits.

Notice of Intent Date: 11/07/2007 (610138)
Disclosure Date: 05/12/2008

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

Description: Failure to identify all waste streams in the total annual benzene ("TAB") report.

Viol. Classification: Major
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(c)(3)(ii)

Description: Failure to comply with the 2 megagrams ("Mg") requirements for benzene-containing waste water streams related to dock line drainage, centrifuge cake and screened waste

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)

Description: Failure to provide off-site benzene waste notifications for centrifuge cake.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(d)

Description: Failure to comply with benzene waste operation NESHAP ("BWON") control, inspection, and monitoring requirements for Tank 8010.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(c)

Description: Failure to comply with waste container control requirements for sealing 55 gallon drums and for covering roll-off bins containing centrifuge cake.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(c)

Description: Failure to comply with API oil-water separator maintenance and control requirements for seal gaps, cracks, leaks, and for leak interface instrument monitoring activities.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(b)

Description: Failure to comply with Thermal Oxidizer BWON control requirements when taken out of service.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(b)

Description: Failure to accurately calculate the total annual benzene quantify for API oil-water separator major waste water streams.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(e)

Description: Failure to notify the commission of the intent to pursue alternative tank control standards.

Viol. Classification: Major

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(1)

Description: Failure to submit initial compliance certifications following the installation of new BWON control systems.

Notice of Intent Date: 11/27/2007 (613278)

Disclosure Date: 06/03/2008

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT 01498 SC 3

Description: Failure to perform visual observations greater than 0.25 miles from the stationary vent for SCOT-I, SCOT-II, DHT-246, AVU-147, etc.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Flex Permit 6825A SC 46

Description: Failure to comply with coke transfer rate upstream of the active stockpile which shall not exceed 500 tons/hr on February 2, May 31, and July 24, 2007.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT 6825A, SC 50

Description: Failure to comply with coke stockpile footprint marker requirements. Specifically, boundary markers were not visible. The pile shall not exceed 6.9 acres.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT 6825A, SC 11(C)

Description: Failure to maintain documentation of marine loading visual observations.

Viol. Classification: Major

Citation: 40 CFR Chapter 70, SubChapter C, PT 70 70.6(a)(1)

Description: Failure to properly represent emission sources in the Title V permit. Specifically, errors were found (1) GRP-FLEET 2 was missing from the applicable requirements summary, (2) GFU-244HA and GFU-244HB were missing from the unity and applicable regs. summaries, (3) Tank 1913 was listed as a stationary turbine.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.145(b)(3)(ii)

Description: Failure to submit asbestos NESHAP notifications at least 10 working days before the end of the calendar year preceding the year for which notices is being given for 2006 and 2007.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(n)

Description: Failure to consistently record ODS appliance leak rates and the method used.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(i)(3)

Description: Failure to maintain documentation of ODS post-repair leak tests and follow-up verification could not be located.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.156(a)

Description: Failure to maintain documentation to demonstrate that refrigerant was evacuated before opening equipment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.562(e)(2)

Description: Failure to maintain the marine loading SOP to indicate provisions to ensure that vapor combustors are operating properly, and the facility's response to excess emission events.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)

30 TAC Chapter 116, SubChapter B 116.115(c)

4F TWC Chapter 60, SubChapter A 60.115(b)

Rqmt Prov: PERMIT Permit No. 7600A SC 3D

Description: Failure to submit and maintain documentation of post-repair notifications for Tank 110 and 284.

Viol. Classification: Major

Citation: 30 TAC Chapter 115, SubChapter B 115.116(a)(2)

Description: Failure to include in the annual emissions inventory seal gap failures.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 70, SubChapter C, PT 70 70.6(a)(1)(i)

Description: Failure to update the Title V permit to reflect origin and authority of terms and conditions. Specifically, the NOx RACT citations had not kept up with changes in the TAC.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(b)

Description: Failure to use the correct equation to calculate potential oxygen flow resulting from O2 enrichment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: Failure to submit start-up notifications within 15 days of start-up for AVU-147 furnaces F 1100 and F-1200.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)

Description: Failure to properly represent H2S concentration in all refinery fuel gas with "north" and "south" analyzers.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 64, SubChapter C, PT 64 64.2

Description: Failure to have a CAM plan or CAM applicability assessment on the Waste Water Treatment Plant.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.151

Rqmt Prov: PERMIT 01498, SC3D

Description: Failure to included individual source TSP emission limit calculations in operating permits.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.7

Description: Failure to properly calculate SRU stack hights which affects SO2 emission limits.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

30 TAC Chapter 112, SubChapter B 112.32

30 TAC Chapter 112, SubChapter C 112.41(a)

Description: Failure to maintain documentation to demonstrate compliance with ground level H2S and sulfuric acid limits in Reg 2.

Notice of Intent Date: 01/10/2008 (616179)

No DOV Associated

Notice of Intent Date: 04/23/2008 (671267)

No DOV Associated

Notice of Intent Date: 07/21/2008 (701166)

No DOV Associated

Notice of Intent Date: 08/21/2009 (775707)

Disclosure Date: 09/08/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT C 122.41(a)

Rqmt Prov: PERMIT TPDES Permit # 00309, Pg 20, Cond. 10

Description: Failure to notify the regulatory agency of azure blue dye use. Azure blue dye was being used to treat the tertiary treatment pond, to limit algae growth, without the permit required notifications to the regulatory agency. An initial notification of application was submitted on March 8, 2007 but no further notifications have been made. Dye application typically ends in the Fall, and resumes each Spring. Notifications were not made in 2008 or 2009.

Viol. Classification: Minor

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.5(b)

Description: Failed to sign or date the SPCC Plan Form. Figure E-2 of the SPCC Plan contained an "Acknowledgement of SPCC Review" but the form was not signed or dated.

Viol. Classification: Major

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26

Rqmt Prov:

PERMIT TPDES Permit # 00309, Condition 9

Description: Failed to implement a SWP3 plan for 7 demolition projects. These projects include the MEK Unit, Pump House #1, Decoker, 9 CO Boiler and Precipitator, 11 Boiler House, 11 Warehouse and the ISOM Unit. Field visits indicated that all the projects had been completed with the exception of the MEK Unit and Boiler House No. 11 projects which are in progress. An expansion project began in the 3rd Quarter, 2007 but no plan was implemented until November, 2008. A final plan was dated February 6, 2009

Notice of Intent Date: 02/18/2011 (905312)

No DOV Associated

Notice of Intent Date: 06/10/2011 (934095)

No DOV Associated

G. Type of environmental management systems (EMSs).

07/06/2007 07/06/2017 ENVIRONMENTAL MANAGEMENT SYSTEM

NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE PREMCOR REFINING
GROUP INC.
RN102584026**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-1355-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a petroleum refinery at 1801 South Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about July 25, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Dollars (\$30,000) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Twelve Thousand Dollars (\$12,000) of the administrative penalty and Six Thousand Dollars (\$6,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twelve Thousand Dollars (\$12,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that, by August 26, 2011, the Respondent has implemented the following corrective action measures at the Plant:
 - a. In response to Incident No. 148540, replaced the flame scanner (BE-2638) that failed and moved the flame scanner with a plugged nozzle to an adjacent nozzle;
 - b. In response to Incident No. 150655, replaced the defective limit switch (Valve XV-4051) on the regenerative thermal oxidizer ("RTO") inlet isolation valve; and
 - c. In response to Incident No. 150321, increased the nitrogen header pressure to 80 pound-force per square inch to prevent the RTO from tripping.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Federal Operating Permit ("FOP") No. O1498,

General Terms and Conditions and Special Terms and Conditions No. 18, New Source Review ("NSR") Flexible Permit Nos. 6825A, PSDTX49, and N65, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 3, 2011. Specifically, unauthorized emissions of 220.00 pounds ("lbs") of carbon monoxide, 0.20 lbs of hydrogen sulfide, 57.02 lbs of nitrogen oxides, 6.45 lbs of particulate matter, 1,243.86 lbs of sulfur dioxide, and 4.67 lbs of volatile organic compounds ("VOC") were released from the Shell Claus Off-Gas Treating Unit ("SCOT")-4 Tail Gas Incinerator, emission point number ("EPN") E-04-SCOT, in the Sulfur Recovery Unit 546, during an avoidable emissions event (Incident No. 148540) that began on December 16, 2010 and lasted 17 hours and 15 minutes. The event occurred when the shutter mechanism in the flame scanner (BE-2638) of the SCOT-4 Tail Gas Unit In-Line Heater (H-9501) failed causing the unit to trip, resulting in increased emissions being routed to the incinerator (during which time the secondary flame scanner was inoperable, and would have prevented the event if it was operable). Since this event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.4(c) and 122.143(4), FOP No. O2228, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2011. Specifically, unauthorized emissions of 152.10 lbs of VOC, including 10.33 lbs of benzene, were released from the waste water treatment unit ("WWTU") RTO, EPN E-01-RTO, in the WWTU 8742, during an emissions event (Incident No. 150655) that began on February 11, 2011 and lasted 17 hours and 26 minutes. The event occurred when the WWTU RTO tripped due to a failed limit switch on the inlet emergency isolation valve (Valve XV-4051) and the Respondent was unable to sufficiently explain the cause of the switch failure. Since sufficient information was not provided to determine the cause of the event, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 106.4(c) and 122.143(4), FOP No. O2228, General Terms and Conditions and Special Terms and Conditions No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 7, 2011. Specifically, unauthorized emissions of 179.94 lbs of VOC, including 12.06 lbs of benzene, were released from the WWTU RTO, EPN E-01-RTO, in the WWTU 8742, during an emissions event (Incident No. 150321) that began on February 5, 2011 and lasted 21 hours and 15 minutes. The event occurred when the WWTU RTO tripped on high bed temperature due to a high concentration of light hydrocarbons and the Respondent was unable to sufficiently explain the cause of the high hydrocarbon concentration. Since sufficient information was not provided to determine the cause of the event, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Premcor Refining Group Inc., Docket No. 2011-1355-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Dollars (\$12,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

D. Hyde for R. Hyde
For the Executive Director

12-21-11
Date

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

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

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

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

J. Greg Gentry
Signature

10/20/11
Date

J. Greg Gentry
Name (Printed or typed)
Authorized Representative of
The Premcor Refining Group Inc.

Vice President and General Manager
Title

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

Attachment A
Docket Number: 2011-1355-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Premcor Refining Group Inc.
Payable Penalty Amount:	Twenty-Four Thousand Dollars (\$24,000)
SEP Amount:	Twelve Thousand Dollars (\$12,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Jefferson County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP amount to the Third-Party Recipient named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

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

B. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic carbon compounds (VOC), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

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

2. Performance Schedule

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

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
Southeast Texas Regional Planning Commission
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

The Premcor Refining Group Inc.
Agreed Order – Attachment A

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

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

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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