

**Executive Summary – Enforcement Matter – Case No. 40903
Pasadena Refining System, Inc
RN100716661
Docket No. 2010-2073-AIR-E**

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Pasadena Refining System, 111 Red Bluff Road, Pasadena, Harris County

Type of Operation:

Petroleum refining plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2012-0143-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 18, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$757,153

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$378,577

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$378,576

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 3, 2010 through August 6, 2010

Date(s) of NOE(s): December 9, 2010

Violation Information

1. Failed to maintain the required minimum level of pH in the Sorbent Regeneration System Caustic Scrubber (Unit ID VTLSG001) scrubbing solution [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit (“FOP”) No. O1544, Special Terms and Conditions No. 17, Air Permit No. 76192, Special Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to operate Boiler 6 (Unit ID BLRHT006) within the required carbon monoxide (“CO”) limit of 50 parts per million (“ppm”) for a total of 685 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 22039, Special Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to limit the in-stack hourly average of sulfur dioxide (“SO₂”) of the Sulfur Recovery Unit (“SRU”) Tail Gas Incinerator (Unit ID SRUIN001) to 250 ppm [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions Nos. 1A and 17, Air Permit No. 6059, Special Conditions No. 12, 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 60.104(a)(2)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to maintain operate the SRU Tail Gas Incinerator (Unit ID SRUIN001) at or above the minimum temperature of 1,250 degrees Fahrenheit and at the required oxygen level of 3 percent [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 6059, Special Conditions No. 4, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to operate the Highly Reactive Volatile Organic Compound (“HRVOC”) analyzers for the East and West Flares (Unit IDs FLRFNEAST and FLRFNWEST) and Complex Cooling Tower (Unit ID FUCTWCPX) at least 95 percent of the time averaged over a calendar year [30 TEX. ADMIN. CODE §§ 115.725(l), 115.764(a)(3), 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 1A, Air Permit No. 56389, Special Conditions No. 6E, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to maintain the required minimum flame zone temperature of 2,300 degrees Fahrenheit for the SRU and the Thermal Reactor [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 6059, Special Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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7. Failed to comply with the annual allowable emissions rate [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 56389, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to report an emissions event [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to demonstrate compliance with hourly fill rate for Volatile Organic Compound (“VOC”) Storage Tank Nos. 118, 330 and 820 from October 1, 2008 through September 30, 2009 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 20246, Special Conditions No. 14, Air Permit No. 56389, Special Conditions No. 4, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to limit the amount of H₂S in fuel gas streams to 160 ppm [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions Nos. 1A and 17, Air Permit No. 22039, Special Conditions No. 4, Air Permit No. 5953, Special Conditions No. 1, Air Permit No. 20246, Special Conditions No. 12, 40 CFR § 60.104(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Plant:

- a. On March 28, 2009, cut the loading rates to lower the H₂S concentration in the fuel gas streams and cleaned the demisters;
- b. On February 16, 2010, amended Air Permit No. 56389 to increase the VOC emissions rates for the West Flare (Unit ID RFNFLWEST) and the East Flare (Unit ID RFNFLEAST) authorizing a combined hourly emissions rate of 239.81 pounds per hour (“lbs/hr”), and a combined annual emissions rate of 79.98 tons per year (“tons/yr”);
- c. On April 30, 2010, instituted periodic calibration of the temperature sensor to ensure that the proper temperature is maintained in the Tail Gas Incinerator;
- d. On August 10, 2010, trained the operators on the importance of maintaining the proper pH level in the Sorbent Regeneration System Caustic Scrubber (Unit ID VTLSG001) scrubbing solution during operations;

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- e. On August 31, 2010, installed a new monitor to ensure that the correct flame zone temperature is maintained at the SRU and the Thermal Reactor during operations; and
- f. On December 31, 2010, completed the tuning of new Boiler 6 to bring the start-up CO emissions into compliance.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Immediately, implement a Flare Flow Assessment Program (“FFAP”) where practical and not inconsistent with the planned operation of the flare gas recovery system (“FGRS”) as described in Ordering Provision 2.g. ;
 - i. Identify and reduce or eliminate continuous or intermittent routine flows of refinery fuel gas to the East Flare and West Flare from, but not limited to, the Udex vent stream, Coker 9-thread valve, and SWS V-1 Drum; and
 - ii. Within 30 days, submit an initial report as described in Ordering Provision 2.h. demonstrating that continuous or intermittent routine flows have been identified, the steps taken to reduce or eliminate flows, and the planned efforts for further reductions in such flows.
 - b. Within 30 days:
 - i. Implement measures and/or procedures to ensure that the tail gas incinerator stack is being operated with no less than 3 percent oxygen in the incinerator stack;
 - ii. Implement measures and/or procedures to ensure that the HRVOC analyzers for the East and West Flares are operating correctly at least 95 percent of the time when the flare is operational;
 - iii. Implement measures and/or procedures to ensure that the HRVOC analyzers for the Complex Cooling Tower are operating correctly at least 95 percent of the time when the cooling tower is operational;
 - iv. Implement measures and/or procedures to ensure that all reportable emissions events are reported;
 - v. Implement measures and/or procedures to ensure compliance with the actual hourly filling rates for Storage Tank Nos. 118, 330, and 820;

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- vi. Implement measures and/or procedures to comply with the in-stack hourly average limit for SO₂ in the SRU Tail Gas Incinerator; and
- vii. Review and/or update the procedures for achieving compliance with H₂S limits for Unit IDs FCCHT002, BLRHT010, BLRHT004, BLRHT006, and HTREF2631.
- c. Within 30 days, submit an administratively complete application for Permit No. 56389 in order to obtain authorization for a temporary increase in the emissions from the East and West Flares associated with the continuous and intermittent routine flows to the flares. The increase, if granted, shall only be effective until the commissioning and start up of the FGRS.
- d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application for permit amendment within 30 days after the date of such requests, or by any other deadline specified in writing. Provided, however, that nothing in this Order prohibits the Respondent from withdrawing its application to amend Permit No. 56389 to authorize a temporary increase in the VOC allowable emission rates from the East and West Flares.
- e. Within 15 days after the issuance of a permit amendment authorizing the temporary increase in emissions from the East and West Flares as described in Ordering Provision 2.c., submit a written certification to demonstrate compliance with the temporary emission limits applicable to the East and West Flares.
- f. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions 2.b. and 2.c.
- g. Within 45 days after implementing the FFAP, commence work to design, install, and operate the FGRS to control continuous or intermittent routine flows to the East Flare and West Flare not eliminated through the program described in Ordering Provision 2.a., in accordance with the following schedule:
 - i. By January 1, 2012, complete the conceptual design for the FGRS;
 - ii. By March 1, 2012, submit an administratively complete permit application to obtain authorization to construct and operate the FGRS. This authorization may include an application to amend Permit No. 56389 and/or an application for a standard permit.
 - iii. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application for permit amendment within 30 days after the date of such requests, or by any other deadline specified in writing.
 - iv. By January 15, 2015, complete the construction of the FGRS; and

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- v. By March 31, 2015, commission and startup the FGRS.
- h. Within 15 days after commissioning and starting up of the FGRS, submit written certification to demonstrate compliance with the emission limits applicable to the East Flare and West Flare.
- i. Within 60 days, submit a Flare System Compliance Plan to the TCEQ Houston Regional Office to demonstrate a planned program has been implemented to achieve compliance with the emission limits applicable to the East Flare and West Flare, throughout a combination of methods described in Ordering Provisions 2.a. and 2.g.;
- j. Within 180 days and every 180 days thereafter until compliance has been achieved, submit a semiannual status report that contains, but is not limited to, a description of the actions taken to identify and reduce or eliminate continuous or intermittent routine flows of refinery fuel gas to the East Flare and West Flare, planned efforts for further reductions in such flows, the status of permitting for the temporary increase in VOC emissions and for the FGRS, and the status of the design, installation, and operation of the FGRS.

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: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Francisco Raymundo de Cerqueira Neto, Chief Executive Officer, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506
Tobey Taylor, Environmental Manager, Pasadena Refining System, Inc, 111 Red Bluff Road, Pasadena, Texas 77506
Respondent's Attorney: N/A

Attachment A
Docket Number: 2010-2073-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Pasadena Refining System, Inc
Payable Penalty Amount:	Seven Hundred Fifty-Seven Thousand One Hundred Fifty-Three Dollars (\$757,153)
SEP Amount:	Three Hundred Seventy-Eight Thousand Five Hundred Seventy-Six Dollars (\$378,576)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 - Houston - Galveston

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter

Pasadena Refining System, Inc
Agreed Order - Attachment A

traps, diesel particulate matter filters, Nitrogen Oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

The Respondent shall also mail a copy of the check to the 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	13-Dec-2010	Screening	27-Dec-2010	EPA Due	5-Sep-2011
	PCW	16-Mar-2011				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	40903	No. of Violations	11
Docket No.	2010-2073-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$237,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **209.0%** Enhancement **Subtotals 2, 3, & 7** **\$495,330**

Notes: Enhancement for three orders with denial of liability, two orders without denial of liability, one state court order with denial of liability, 14 same/similar NOV's and one dissimilar NOV. Reduction for one Notice of Audit letter and one Disclosure of Violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$3,125**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$27,948**

Total EB Amounts **\$27,948**
 Approx. Cost of Compliance **\$216,250**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$757,153**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$757,153**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$757,153**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$757,153**

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	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>)	1	-1%
	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>)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 209%

>> **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 three orders with denial of liability, two orders without denial of liability, one state court order with denial of liability, 14 same/similar NOVs and one dissimilar NOV. Reduction for one Notice of Audit letter and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 209%

Screening Date 27-Dec-2010

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PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O1544, Special Terms and Conditions No. 17, Air Permit No. 76192, Special Conditions No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the required minimum level of pH in the Sorbent Regeneration System Caustic Scrubber (Unit ID VTLSG001) scrubbing solution. Specifically, from October 1, 2008 through September 27, 2009, the scrubber pH level was intermittently below the required pH level of 7.5 by an average of 0.91 pH units for a total of 45 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 361 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent completed the corrective actions on August 10, 2010, prior to the December 9, 2010 NOE.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$46

Violation Final Penalty Total \$5,381

This violation Final Assessed Penalty (adjusted for limits) \$5,381

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	1-Oct-2008	10-Aug-2010	1.86	\$46	n/a	\$46
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense of training operators to ensure that the pH level in the scrubbing solution is maintained. The Date Required is the first date of non-compliance. The Final Date is the date that 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

\$500

TOTAL

\$46

Screening Date 27-Dec-2010

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PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 22039, Special Conditions No. 6, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate Boiler 6 (Unit ID BLRHT006) within the required carbon monoxide ("CO") limit of 50 parts per million ("ppm") for a total of 685 hours. Specifically, between October 1, 2008 and September 21, 2009, the permit limit of 50 ppm was exceeded by an average of 252 ppm, resulting in the release of 3.43 tons of CO.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

355 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$1,000

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

Notes The Respondent completed the corrective actions on December 31, 2010, after the December 9, 2010 NOE.

Violation Subtotal \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$32,441

This violation Final Assessed Penalty (adjusted for limits) \$32,441

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Oct-2008	31-Dec-2010	2.25	\$56	n/a	\$56

Notes for DELAYED costs

Estimated expense to ensure proper boiler operation during start-up. The Date Required is the first date of non-compliance. The Final Date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$56

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. Q1544, Special Terms and Conditions Nos. 1A and 17, Air Permit No. 6059, Special Conditions No. 12, 40 Code of Federal Regulations ("CFR") § 60.104(a)(2)(i), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the in-stack hourly average for sulfur dioxide ("SO2") in the Sulfur Recovery Unit ("SRU") Tail Gas Incinerator (Unit ID SRUIN001) to 250 ppm. Specifically, from October 1, 2008 to September 30, 2009, during 977 hourly incidences, the 250 ppm limit was exceeded by an average of 157 ppm, resulting in the release of 5,765.96 pounds ("lbs") of SO2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

364 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18,986

Violation Final Penalty Total \$33,441

This violation Final Assessed Penalty (adjusted for limits) \$33,441

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$120,000	4-Jul-2009	7-Oct-2011	2.26	\$904	\$18,082	\$18,986
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense of installing a new analyzer. The Date Required is the date the analyzers should have been installed. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$120,000

TOTAL

\$18,986

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 6059, Special Conditions No. 4, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the SRU Tail Gas Incinerator (Unit ID SRUIN001) at or above the minimum temperature of 1,250 degrees Fahrenheit and at the required oxygen level of 3 percent. Specifically, from October 1, 2008 through September 15, 2009, the incinerator was operated at an average temperature of 268 degrees Fahrenheit for a total of 460 hours, and between October 1, 2008 and August 14, 2009, the oxygen level was below 3 percent by an average of 0.33 percent for a total of 228 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

349 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,207

Violation Final Penalty Total \$33,441

This violation Final Assessed Penalty (adjusted for limits) \$33,441

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$15,000	1-Oct-2008	7-Oct-2011	3.02	\$151	\$3,016	\$3,167
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)	\$500	1-Oct-2008	30-Apr-2010	1.58	\$39	n/a	\$39

Notes for DELAYED costs

Estimated expense to institute periodic calibration of the temperature sensor to ensure that the proper temperature in the tail gas incinerator is maintained (completed April 30, 2010) and to replace the oxygen monitor. The Date Required is the date of the initial non-compliance. The Final Date is the date that corrective measures were completed and are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$15,500	TOTAL	\$3,207
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Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 115.725(l), 115.764(a)(3), 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 1A, Air Permit No. 56389, Special Conditions No. 6E, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the Highly Reactive Volatile Organic Compound ("HRVOC") analyzers for the East and West Flares (Unit IDs FLRFNEAST and FLRFNWEST) and for the Complex Cooling Tower (Unit ID FUCTWCPX), at least 95 percent of the operational time averaged over a calendar year. Specifically, from April 1, 2009 through September 30, 2009, the HRVOC analyzer for the East Flare averaged 8 percent downtime, from June 1, 2009 through September 30, 2009, the HRVOC analyzer for the West Flare averaged 13.34 percent downtime, from January 1, 2009 through March 31, 2009, the Complex Cooling Tower HRVOC analyzer downtime averaged 15.44 percent, and from April 1, 2009 through September 30, 2009, the HRVOC analyzer downtime averaged 6.10 percent.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (10%).

>> Programmatic Matrix

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

Matrix Notes Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 725

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

Violation Base Penalty \$3,000

Three single events (one for each unit) are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$138

Violation Final Penalty Total \$11,811

This violation Final Assessed Penalty (adjusted for limits) \$11,811

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	1-Jan-2009	7-Oct-2011	2.76	\$138	n/a	\$138

Notes for DELAYED costs

Estimated expense to ensure that analyzers are functioning at least 95 percent of the operational time. The Date Required is the initial date of non-compliance. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$138

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 6059, Special Conditions No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the required minimum flame zone temperature of 2,300 degrees Fahrenheit for the SRU and the Thermal Reactor. Specifically, from January 6, 2009 through September 30, 2009, for a total of 1,314 hours, the average temperature was 1,553 degrees Fahrenheit, resulting in the release of 41.59 lbs of SO2.

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

267 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes

The Respondent completed the corrective actions on August 31, 2010, prior to the December 9, 2010 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,309

Violation Final Penalty Total \$23,841

This violation Final Assessed Penalty (adjusted for limits) \$23,841

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$20,000	6-Jan-2009	31-Aug-2010	1.65	\$110	\$2,199	\$2,309
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to install a new monitor. The Date Required is the initial date of non-compliance. The Final Date is the date that corrective measures 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

\$20,000

TOTAL

\$2,309

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 56389, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the annual allowable emissions rate. Specifically, during calendar year 2008, the Respondent exceeded the Volatile Organic Compound ("VOC") annual emission rate of 5.3 tons per year ("tpy") from the East Flare (Unit ID FLRFNEAST) and the annual emission rate of 48.96 tpy from the West Flare (Unit ID RFNFWEST), resulting in the unauthorized release of 35.46 tons of VOC and from the East Flare and 75.11 tons of VOC from the West Flare.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 12

365 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$60,000

Twelve monthly events are 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 \$60,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$962

Violation Final Penalty Total \$187,941

This violation Final Assessed Penalty (adjusted for limits) \$187,941

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,500	1-Jan-2008	16-Feb-2010	2.13	\$585	n/a	\$585
Other (as needed)	\$2,000	1-Jan-2008	7-Oct-2011	3.77	\$377	n/a	\$377

Notes for DELAYED costs

Estimated expense to amend Permit No. 56389 to increase the hourly allowable VOC emission rate to 239.81 pounds per hour (completed February 16, 2010) and to institute a team to review flare operations. The Date Required is the first date of non-compliance. The Final Date is the date the corrective measures were completed and the date that the corrective measures are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,500

TOTAL

\$962

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 2F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report an emissions event (No. 2008-224). Specifically, on November 12, 2008, 2,000 pounds of particulate matter ("PM") in the form of alumina catalyst was released from the cyclone feed drum at the Fluid Catalytic Cracking ("FCC") Unit, and the event was never reported.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			25%

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 775

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

Violation Base Penalty \$2,500

One single event is recommended.

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 \$109 Violation Final Penalty Total \$10,266

This violation Final Assessed Penalty (adjusted for limits) \$10,266

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	13-Nov-2008	7-Oct-2011	2.90	\$72	n/a	\$72
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	13-Nov-2008	7-Oct-2011	2.90	\$36	n/a	\$36

Notes for DELAYED costs

Estimated expense to submit a notification for the emissions event and to implement measures and procedures to ensure the proper reporting of emissions events. The Date Required is the date the notification was due. The Final Date is the date that corrective measures are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$109

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 20246, Special Conditions No. 14, Air Permit No. 56389, Special Conditions No. 4, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to demonstrate compliance with the hourly fill rate for VOC Storage Tank Nos. 118, 330 and 820. Specifically, records for the hourly fill rates were not available from October 1, 2008 through September 30, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes 50 percent of the rule requirement was met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 364 Number of violation days

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

Violation Base Penalty \$3,000

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Reduction	
	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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$11,811

This violation Final Assessed Penalty (adjusted for limits) \$11,811

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	1-Oct-2008	7-Oct-2011	3.02	\$75	n/a	\$75

Notes for DELAYED costs

Estimated expense to implement measures and procedures to comply with the permitted fill rates. The Date Required is the initial date of non-compliance. The Final Date is the date the corrective actions are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$75

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions Nos. 1A and 17, Air Permit No. 22039, Special Conditions No. 4, Air Permit No. 5953, Special Conditions No. 1, Air Permit No. 20246, Special Conditions No. 12, 40 CFR § 60.104(a)(1), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit the concentration of H2S in fuel gas streams to 160 ppm. Specifically, from October 1, 2008 to September 30, 2009, during 107 hourly incidences, the H2S levels in fuel gas streams exceeded the 160 ppm limit by an average of 34.96 ppm for Unit IDs FCCHT002, BLRHT010, BLRHT004, BLRHT006 and HTREF2631, resulting in the release of 697.63 lbs of SO2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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 which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 Number of violation days 364

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

Violation Base Penalty \$10,000

Four quarterly events are 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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,059

Violation Final Penalty Total \$33,441

This violation Final Assessed Penalty (adjusted for limits) \$33,441

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 10

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)	\$5,000	1-Oct-2008	1-Jul-2011	2.75	\$46	\$916	\$962
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)	\$45,000	1-Oct-2008	28-Mar-2009	0.49	\$1,097	n/a	\$1,097

Notes for DELAYED costs

Estimated expense to cut loading rates to lower the H2S concentration in the fuel gas and to clean the demisters (completed 03/28/2009) and implement other changes to come into compliance. The Date Required is the initial date of the non-compliance. The Final Date is the date that the corrective measures are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$2,059

Screening Date 27-Dec-2010

Docket No. 2010-2073-AIR-E

PCW

Respondent Pasadena Refining System, Inc

Policy Revision 2 (September 2002)

Case ID No. 40903

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100716661

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 56389, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the annual allowable emissions rate. Specifically, during calendar year 2009, the Respondent exceeded the VOC annual emission rate of 5.3 tpy from the East Flare (Unit ID FLRFNEAST) and the annual emission rate of 48.96 tpy from the West Flare (Unit ID RFNFWEST), resulting in the unauthorized release of 147.60 tons of VOC from the East Flare and 72.92 tons of VOC from the West Flare.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 12 Number of violation days 365

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

Violation Base Penalty \$120,000

Twelve monthly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$120,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$373,341

This violation Final Assessed Penalty (adjusted for limits) \$373,341

Economic Benefit Worksheet

Respondent Pasadena Refining System, Inc
Case ID No. 40903
Reg. Ent. Reference No. RN100716661
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See Economic Benefit under Violation No. 7.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN603137605	Pasadena Refining System, Inc	Classification: AVERAGE	Rating: 4.47
Regulated Entity:	RN100716661	PASADENA REFINING SYSTEM	Classification: AVERAGE	Site Rating: 6.15
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0175D	
	AIR OPERATING PERMITS	PERMIT	1544	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50112	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008091290	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30311	
	WASTEWATER	PERMIT	WQ0000574000	
	WASTEWATER	EPA ID	TX0004626	
	AIR NEW SOURCE PERMITS	REGISTRATION	93259	
	AIR NEW SOURCE PERMITS	PERMIT	3776	
	AIR NEW SOURCE PERMITS	PERMIT	5639	
	AIR NEW SOURCE PERMITS	PERMIT	5953	
	AIR NEW SOURCE PERMITS	PERMIT	6059	
	AIR NEW SOURCE PERMITS	PERMIT	12244	
	AIR NEW SOURCE PERMITS	REGISTRATION	13494	
	AIR NEW SOURCE PERMITS	REGISTRATION	14133	
	AIR NEW SOURCE PERMITS	PERMIT	20246	
	AIR NEW SOURCE PERMITS	PERMIT	21261	
	AIR NEW SOURCE PERMITS	PERMIT	22039	
	AIR NEW SOURCE PERMITS	PERMIT	26891	
	AIR NEW SOURCE PERMITS	REGISTRATION	29623	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0175D	
	AIR NEW SOURCE PERMITS	REGISTRATION	76022	
	AIR NEW SOURCE PERMITS	PERMIT	76192	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100006	
	AIR NEW SOURCE PERMITS	REGISTRATION	74742	
	AIR NEW SOURCE PERMITS	REGISTRATION	15114	
	AIR NEW SOURCE PERMITS	REGISTRATION	29628	
	AIR NEW SOURCE PERMITS	REGISTRATION	37094	
	AIR NEW SOURCE PERMITS	REGISTRATION	37366	
	AIR NEW SOURCE PERMITS	REGISTRATION	42375	
	AIR NEW SOURCE PERMITS	REGISTRATION	42719	
	AIR NEW SOURCE PERMITS	REGISTRATION	71605	
	AIR NEW SOURCE PERMITS	PERMIT	80804	
	AIR NEW SOURCE PERMITS	REGISTRATION	81553	

AIR NEW SOURCE PERMITS	REGISTRATION	44511
AIR NEW SOURCE PERMITS	PERMIT	56389
AIR NEW SOURCE PERMITS	REGISTRATION	87919
AIR NEW SOURCE PERMITS	REGISTRATION	89587
AIR NEW SOURCE PERMITS	REGISTRATION	84630
AIR NEW SOURCE PERMITS	REGISTRATION	82764
AIR NEW SOURCE PERMITS	REGISTRATION	87987
AIR NEW SOURCE PERMITS	REGISTRATION	92237
AIR NEW SOURCE PERMITS	REGISTRATION	91511
AIR QUALITY NON PERMITTED	ACCOUNT NUMBER	HG0175D
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30311
POLLUTION PREVENTION PLANNING	ID NUMBER	P00159
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0175D

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

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 23, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 23, 2006 to March 23, 2011

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

Name: Nadia Hameed Phone: 713-767-3629

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: 04/07/2006

COURTORDER

Classification: Moderate

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

Rqmt Prov: Emission Sources - MAERT PERMIT

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

Classification: Moderate

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

Rqmt Prov: Emission Sources - MAERT PERMIT

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

Effective Date: 02/18/2007

ADMINORDER 2006-0664-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 20246, Special Condition 4 PERMIT

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

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Permit No. 5953, MAERT PERMIT

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

Classification: Minor

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

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

Effective Date: 10/04/2007

ADMINORDER 2006-2193-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 20246, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Classification: Moderate

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

Rqmt Prov: No. 20246, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

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

Effective Date: 04/05/2009

ADMINORDER 2008-1554-AIR-E

Classification: Moderate

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

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

Effective Date: 04/20/2009

ADMINORDER 2008-0621-AIR-E

Classification: Moderate

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

Rqmt Prov: FOP O-01544, ST&C 16 OP

FOP O-01544, ST&C 1A OP

Permit 20246, Special Condition 5 PERMIT

Description: Failure to repair seal gaps within 45 days.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to comply with the emissions event reporting requirements.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: failed to comply with the emissions event and record keeping requirements

Effective Date: 10/18/2009

ADMINORDER 2008-0050-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: 76192, Special Condition No.1 PERMIT
 Description: Failed to prevent unauthorized emissions. Since this emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 02/27/2006 (407010)
- 2 02/27/2006 (407360)
- 3 02/27/2006 (418333)
- 4 05/11/2006 (457075)
- 5 05/22/2006 (459365)
- 6 05/26/2006 (462753)
- 7 05/22/2006 (462966)
- 8 05/23/2006 (462971)
- 9 09/01/2006 (482950)
- 10 06/30/2006 (483088)
- 11 06/30/2006 (483478)
- 12 07/31/2006 (484233)
- 13 09/15/2006 (490299)

14 09/15/2006 (510015)
15 10/13/2006 (512280)
16 10/05/2006 (513823)
17 11/16/2006 (517348)
18 12/12/2006 (532836)
19 12/21/2006 (533545)
20 12/20/2006 (533720)
21 02/14/2007 (533928)
22 01/23/2007 (535901)
23 02/05/2007 (536180)
24 08/23/2007 (564192)
25 08/20/2007 (571080)
26 12/17/2007 (595574)
27 11/05/2007 (598483)
28 04/14/2008 (615130)
29 04/16/2008 (615131)
30 01/25/2008 (615887)
31 03/27/2008 (617768)
32 03/24/2008 (639888)
33 04/22/2008 (653441)
34 08/11/2008 (656875)
35 06/03/2008 (681376)
36 06/19/2008 (683357)
37 03/13/2009 (688666)
38 08/27/2008 (688669)
39 09/17/2008 (689585)
40 12/29/2008 (709049)
41 12/04/2008 (709391)
42 01/30/2009 (722435)
43 02/11/2009 (725915)
44 02/12/2009 (726009)

45 04/03/2009 (726720)
46 04/03/2009 (735467)
47 08/06/2009 (740762)
48 06/24/2009 (747059)
49 07/07/2009 (748829)
50 08/04/2009 (748852)
51 06/28/2010 (749609)
52 08/21/2009 (749780)
53 10/23/2009 (760509)
54 08/06/2009 (764795)
55 08/31/2009 (766621)
56 10/20/2009 (776192)
57 12/17/2009 (778067)
58 12/08/2009 (779828)
59 12/08/2009 (781265)
60 11/19/2009 (782550)
61 11/19/2009 (782991)
62 12/22/2009 (785253)
63 01/22/2010 (787939)
64 01/28/2010 (788934)
65 07/23/2010 (790010)
66 12/09/2010 (790228)
67 05/28/2010 (792565)
68 04/13/2010 (793360)
69 04/30/2010 (800905)
70 07/12/2010 (801553)
71 07/12/2010 (801558)
72 06/17/2010 (824742)
73 06/14/2010 (825483)
74 08/23/2010 (842038)

75 07/23/2010 (842252)
 76 08/10/2010 (843536)
 77 08/02/2010 (843914)
 78 10/12/2010 (849417)
 79 10/06/2010 (858344)
 80 11/10/2010 (872819)
 81 02/07/2011 (894627)

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

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

Date: 05/31/2006 (462753) CN603137605
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to comply with the EE reporting requirements.

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

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

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

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to notify the TCEQ Houston Region office of a reportable emissions event within 24 hours of its discovery.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include in the final report of a reportable emissions event, the authorized emission limits and preconstruction authorization of the facility involved in the emissions event.

Date: 04/14/2008 (615131) CN603137605

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

Date: 04/14/2008 (615130) CN603137605
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)
5C THSC Chapter 382 382.085(b)
Description: Exceeded the 60 day time limit to submit a stack test report.

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

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 18C PERMIT
Description: failed to maintain records of total quantities loaded for each product on a monthly basis as a 12-month rolling total.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP
O-01544, SC16 OP
SC 12 PERMIT
Description: failed to meet the hourly average in-stack concentration of sulfur dioxide (SO2) of 250 parts per million by volume (ppmv) from the Tail Gas Incinerator (TGI) (SRUIN001)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 8 PERMIT
Description: failed to meet the minimum sulfur recovery efficiency of 99.8% averaged on a

rolling 24-hour period for the Tail Gas Incinerator (SRUIN001)

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

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

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP
O-01544, SC 16 OP
SC 15 PERMIT

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 13 PERMIT

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 115, SubChapter H 115.726(b)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

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

Description: failed to continuously monitor operational parameters for vent gas streams that are not controlled by a flare during the certification period.

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 115, SubChapter H 115.725(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP

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

Self Report? NO Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 6 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)(1)
5C THSC Chapter 382 382.085(b)
O-01544, SC 1.A OP
O-01544, SC 16 OP
SC 15E PERMIT
SC 6E PERMIT
SE 6E PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 6 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01544, SC 16 OP
SC 2 PERMIT

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 O-01544, General Terms and Conditions PERMIT
 Description: failed to include six deviations in the deviation report submitted May 24, 2007 for the period of October 26, 2006 to April 25, 2007
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(E)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to ensure there were no visible holes, tears, or other openings in any seal or seal fabric for Internal Floating Roof Tank 097 (TKFTK097)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ka 60.113a(a)(1)(iv)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to provide notification of intent to perform gap seal measurements for five tanks (TKFTK824, TKFTK825, TKFTK826, TKFTK830, and TKFTK831) within the 30-day deadline
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to maintain vapor pressure records of the VOC for the months of October 2006 and April 2007 where the averaged VOC loaded were greater than 20,000 gallons per day
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to repair a leaking valve within the required time frame
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to maintain visible emissions to be within the opacity limit of 30% for a steam boiler (HTBLR010)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to conduct visual internal inspections of Tank 097 (TKFTK097) at least once every 10 years
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)
 5C THSC Chapter 382 382.085(b)
 O-01544, SC 1.A PERMIT
 Description: failed to conduct visual internal inspections on eight external floating roof tanks at least once every 5 years

 Date: 08/04/2009 (748852) CN603137605
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter F 115.545
 5C THSC Chapter 382 382.085(b)
 Description: Failure to degas storage tanks 343 and 818 properly in accordance with 30 TAC 115.545.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain a control efficiency of at least 90% during tank degassing.

Self Report? NO Classification: Moderate

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

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

Date: 08/07/2009 (740762) CN603137605

Self Report? NO Classification: Minor

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

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

Date: 08/21/2009 (749780) CN603137605

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

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

Description: Failure to repair two leaking valves within 15 days of the date they were found
to be leaking [Category C4 violation]

Date: 07/27/2010 (790010) CN603137605

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Conditions 3C and 6H PERMIT

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

Date: 08/10/2010 (843536) CN603137605

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions

Date: 12/09/2010 (790228)

CN603137605

Self Report? NO Classification: Minor

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

Description: Failure to include all deviations in the deviation report (Category B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 6C PERMIT
Special Term & Condition 16 OP
Special Term & Condition 1A OP

Description: Failure to prevent visible emissions from the West Flare. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Special Term & Condition 3A OP

Description: Failure to operate Boiler 10 (UNIT ID BLRHT010) in compliance with the 30% opacity requirement. (Category B18 Violation)

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)
Special Term & Condition 1A OP

Description: Failure to perform daily flare observations for the east and west flare. (Category C1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Term & Condition 17 OP

Description: Failure to maintain the recirculation rate of 1064 gallons per minute (gpm) for the Sorbent Regeneration System Caustic Scrubber. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term & Condition 17 OP

Description: Failure to comply, for Unit ID BLRHT006, the firing rate limit of 0.01 lb/MMBtu NOx limit on 62 different occasions. The limit was exceeded for 798 hours by an average of 0.144 lbs/MMBtu. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 16F PERMIT
Special Term & Condition 17 OP

Description: Failure to provide the required 30 day notification, prior to performing a RATA, for Boiler 6 and 10. (Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to collect HRVOC cooling tower samples within 24 hours of the time of an

analyzer malfunction, for Unit IDs FUCTWALK and FUCTWCPX, during weekend hours. (Category C1 Violation)

- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to collect an HRVOC grab sample from the West Flare (Unit ID RFNFLWEST) within 10 hours of analyzer failure on September 18, 2009. (Category C1 Violation)
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to retain registry information or legal owner or operator records for marine barges loaded or unloaded for Unit ID DOKLO001. (Category B3 Violation)
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to retain required records related to the unloading of materials from marine barges for Unit ID DOKLO001. (Category B3 Violation)
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Special Term & Condition 5D OP
Description: Failure to retain the required Marine Vessel Vapor Tightness Test documentation or alternative test method documentation for Unit ID DOKLO001. (Category B3 Violation)
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Special Term & Condition 5B OP
Description: Failure to retain the required leak testing records for Tank Truck tanks for Unit ID C3UL TRRLOLPG. (Category B3 Violation)
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 6A PERMIT
Special Term & Condition 17 OP
Special Term & Condition 1A OP
Description: Failure to operate the East flare and West Flare (Unit IDs RFNFLEAST and RFNFLWEST) with net heating values meeting or exceeding 300 MMBTU/scf. (Category B18 Violation)
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 28 PERMIT
Special Term & Condition 16 OP
Description: Failure of two engines, Units IDs ENDHT001 and ENDHT002, to pass the required fourth quarter 2009 compliance tests to demonstrate compliance with the applicable NOX and CO limits for stationary engines. (Category B18 Violation)
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 18B PERMIT

Description: Special Term & Condition 16 OP
Failure to record max loading rates for Dock (UNIT ID LODOK001). (Category B3 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition 6B PERMIT
Special Term & Condition 17 OP

Description: Special Term & Condition 1A OP
Failure to operate the East and West flares (Unit IDs RNFLEAST and RFNFLWEST) with no pilot light outages. (Category C4 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 31B PERMIT
Special Term & Condition 16 OP

Description: Failure to perform the first quarter 2009 cylinder gas audit for the CEMS of two heaters (UNIT ID HTCRU001 and HTCRU002). (Category C1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.47b(e)(4)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8B PERMIT
Special Term & Condition 16 OP
Special Term & Condition 1A OP

Description: Failure to perform the first quarter 2009 cylinder gas audit for the BLRH006 CEMS. (Category C1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10 PERMIT
Special Term & Condition 16 OP

Description: Failure to operate a flow meter for the caustic circulation line of the Alky 2 Cooling Tower (UNIT ID FUCTIONWALK). (Category B1 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 12I PERMIT
Special Condition 7H PERMIT
Special Term & Condition 17 OP
Special Term & Condition 1A OP

Description: Failure to repair 17 leaking connectors within 15 calendar days. (Category B18 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 7H PERMIT
Special Term & Condition 17 OP
Special Term & Condition 1A OP

Description: Failure to repair 23 valves within 15 calendar days. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 7H PERMIT
Special Term & Condition 17 OP
Special Term & Condition 1A OP

Description: Failure to repair 8 pumps within 15 calendar days. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to repair six connectors and two valves in HRVOC service within 7 calendar days. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to repair four leaking components that had been placed on delay of repair. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 15E PERMIT
Special Condition 6E PERMIT
Special Condition 7E PERMIT
Special Term & Condition 17 OP
Special Term & Condition 1A OP

Description: Failure to maintain 101 open-ended lines with a cap, plug, or other closure device. (Category C10 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to maintain daily mass emissions records for three leaking HRVOC components on delay of repair. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.783(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to employ a flow indicator or bypass securing device on the Crude Vacuum Tower vent (UNIT ID TVFUG-ALL). (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13B through 13E PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain records when a leak was detected by the H2S ambient monitors on the SRU process unit (UNIT ID SRUFU001). (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Special Term & Condition 17 OP

Description: Failure to perform enclosed abrasive blasting using the proper fabric filtration controls. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(2)
30 TAC Chapter 115, SubChapter B 115.116(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform the secondary seal inspection of Tank 202. (Category B1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to submit the semi-annual HRVOC Delay of Repair (DOR) report. (Category B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 2E OP

Description: Failure to properly report emissions in an EI for EE/SMSS for calendar year 2008, specifically for EPN VTFCC001. (Category C9 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Term & Condition 16 OP

Description: Failure to operate Boiler 10 (Unit ID HTBLR010) within the permitted firing rate of 310 MMBtu/hr for a total of 10 hours between April 2 and April 8 2009. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to obtain the signature of an authorized official for leaking pumps placed on delay of repair for Tag Nos. 308191. (Category B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 7 PERMIT
Special Term & Condition 17 OP

Description: Failure to maintain records of monthly AVO inspections of the FCCU closed vent system downstream from the F-D-285 to the CO Boiler. (Category B3 Violation)

F. Environmental audits.

04/09/2007
(558490)

Notice of Intent Date:

Disclosure Date: 05/23/2007

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Major

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

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

cooling tower.

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PASADENA REFINING SYSTEM, INC	§	
RN100716661	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2010-2073-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Pasadena Refining System, 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 presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refining plant at 111 Red Bluff Road in Pasadena, Harris County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to maintain the required minimum level of pH in the Sorbent Regeneration System Caustic Scrubber (Unit ID VTLSG001) scrubbing solution. Specifically, from October 1, 2008 through September 27, 2009, the pH level was intermittently below the required pH level of 7.5 by an average of 0.91 pH units for a total of 45 hours.
4. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to operate Boiler 6 (Unit ID BLRHT006) within the required carbon monoxide ("CO") limit of 50 parts per million ("ppm") for a total of 685 hours. Specifically, between October 1, 2008 and September 21, 2009, the permit limit of 50 ppm was exceeded by an average of 252 ppm resulting in the release of 3.43 tons of CO.
5. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to limit the in-stack hourly average for sulfur dioxide ("SO₂") in the Sulfur Recovery Unit ("SRU") Tail Gas Incinerator (Unit ID SRUIN001) to 250 ppm. Specifically, from October 1, 2008 to September 30, 2009, during 977 hourly incidences, the 250 ppm limit was exceeded by an average of 157 ppm, resulting in the release of 5,765.96 lbs of SO₂.
6. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to maintain the SRU Tail Gas Incinerator (Unit ID SRUIN001) at or above the minimum temperature of 1,250 degrees Fahrenheit and at the required oxygen level of 3 percent. Specifically, from October 1, 2008 through September 15, 2009, the incinerator was operated at an average temperature of 268 degrees Fahrenheit for a total of 460 hours, and between October 1, 2008 and August 14, 2009, the oxygen level was below 3 percent by an average of 0.33 percent for a total of 228 hours.
7. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to operate the Highly Reactive Volatile Organic Compound ("HRVOC") analyzers for the East and West Flares (Unit IDs FLRFNEAST and FLRFNWEST) and for the Complex Cooling Tower (Unit ID FUCTWCPX), at least 95 percent of the operational time averaged over a calendar year. Specifically, from April 1, 2009 through September 30, 2009, the HRVOC analyzer for the East Flare averaged 8 percent downtime, from June 1, 2009 through September 30, 2009, the HRVOC analyzer for the West Flare averaged 13.34 percent downtime, from January 1, 2009 through March 31, 2009, the Complex Cooling Tower HRVOC analyzer downtime averaged 15.44 percent, and from April 1, 2009 through September 30, 2009, the HRVOC analyzer downtime averaged 6.10 percent.

8. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to maintain the required minimum flame zone temperature of 2,300 degrees Fahrenheit for the SRU and the Thermal Reactor. Specifically, from January 6, 2009 through September 30, 2009, for a total of 1,314 hours, the average temperature was 1,553 degrees Fahrenheit, resulting in the release of 41.59 lbs of SO₂.
9. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to comply with the annual allowable emissions rate. Specifically, during calendar years 2008 and 2009, the Respondent exceeded the Volatile Organic Compound ("VOC") annual emission rate of 5.3 tons per year ("tpy") from the East Flare (Unit ID FLRFNEAST) and the annual emission rate of 48.96 tpy from the West Flare (Unit ID RFNFLWEST), resulting in the unauthorized release of 35.46 tons of VOC in 2008 and 147.60 tons of VOC in 2009 from the East Flare and 75.11 tons of VOC in 2008 and 72.92 tons of VOC in 2009 from the West Flare.
10. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to report an emissions event (No. 2008-224). Specifically, on November 12, 2008, 2,000 pounds of particulate matter ("PM") in the form of alumina catalyst was released from the cyclone feed drum at the Fluid Catalytic Cracking ("FCC") Unit, and the event was never reported.
11. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to demonstrate compliance with the hourly fill rate for VOC Storage Tank Nos. 118, 330 and 820. Specifically, records for the hourly fill rates were not available from October 1, 2008 through September 30, 2009.
12. During an investigation conducted from May 3, 2010 through August 6, 2010, TCEQ staff documented that the Respondent failed to limit the concentration of H₂S in fuel gas streams to 160 ppm. Specifically, from October 1, 2008 to September 30, 2009, during 107 hourly incidences, the H₂S levels in fuel gas streams exceeded the 160 ppm limit by an average of 34.96 ppm for Unit IDs FCCHT002, BLRHT010, BLRHT004, BLRHT006 and HTREF2631, resulting in the release of 697.63 lbs of SO₂.
13. The Respondent received notice of the violations on December 14, 2010.
14. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On March 28, 2009, cut the loading rates to lower the H₂S concentration in the fuel gas streams and cleaned the demisters;
 - b. On February 16, 2010, amended Air Permit No. 56389 to increase the VOC emissions rates for the West Flare (Unit ID RFNFLWEST) and the East Flare (Unit ID FLRFNEAST) authorizing a combined hourly emissions rate of 239.81

pounds per hour ("lbs/hr"), and a combined annual emissions rate of 79.98 tons per year ("tons/yr");

- c. On April 30, 2010, instituted periodic calibration of the temperature sensor to ensure that the proper temperature is maintained in the Tail Gas Incinerator;
- d. On August 10, 2010, trained the operators on the importance of maintaining the proper pH level in the Sorbent Regeneration System Caustic Scrubber (Unit ID VTLSG001) scrubbing solution during operations;
- e. On August 31, 2010, installed a new monitor to ensure that the correct flame zone temperature is maintained at the SRU and the Thermal Reactor during operations; and
- f. On December 31, 2010, completed the tuning of new Boiler 6 to bring the start-up CO emissions into compliance.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain the required minimum level of pH in the Sorbent Regeneration System Caustic Scrubber (Unit ID VTLSG001) scrubbing solution, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O1544, Special Terms and Conditions No. 17, Air Permit No. 76192, Special Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to operate Boiler 6 (Unit ID BLRHT006) within the required carbon monoxide ("CO") limit of 50 parts per million ("ppm") for a total of 685 hours, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 22039, Special Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to limit the in-stack hourly average of SO₂ of the SRU Tail Gas Incinerator (Unit ID SRUIN001) to 250 ppm, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions Nos. 1A and 17, Air Permit No. 6059, Special Conditions No. 12, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i), and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain operate the SRU Tail Gas Incinerator (Unit ID SRUIN001) at or above the minimum temperature of

- 1,250 degrees Fahrenheit and at the required oxygen level of 3 percent, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 6059, Special Conditions No. 4, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to operate the HRVOC analyzers for the East and West Flares (Unit IDs FLRFNEAST and FLRFNWEST) and Complex Cooling Tower (Unit ID FUCTWCPX) at least 95 percent of the time averaged over a calendar year, in violation of 30 TEX. ADMIN. CODE §§ 115.725(l), 115.764(a)(3), 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 1A, Air Permit No. 56389, Special Conditions No. 6E, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 7. As evidenced by Findings of Fact No. 8, the Respondent failed to maintain the required minimum flame zone temperature of 2,300 degrees Fahrenheit for the SRU and the Thermal Reactor, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 6059, Special Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 8. As evidenced by Findings of Fact No. 9, the Respondent failed to comply with the annual allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 56389, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 9. As evidenced by Findings of Fact No. 10, the Respondent failed to report an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 10. As evidenced by Findings of Fact No. 11, the Respondent failed to demonstrate compliance with hourly fill rate for VOC Storage Tank Nos. 118, 330 and 820 from October 1, 2008 through September 30, 2009, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions No. 17, Air Permit No. 20246, Special Conditions No. 14, Air Permit No. 56389, Special Conditions No. 4, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 11. As evidenced by Findings of Fact No. 12, the Respondent failed to limit the amount of H₂S in fuel gas streams to 160 ppm, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP Permit No. O1544, Special Terms and Conditions Nos. 1A and 17, Air Permit No. 22039, Special Conditions No. 4, Air Permit No. 5953, Special Conditions No. 1, Air Permit No. 20246, Special Conditions No. 12, 40 CFR § 60.104(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

13. An administrative penalty in the amount of Seven Hundred Fifty-Seven Thousand One Hundred Fifty-Three Dollars (\$757,153) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Three Hundred Seventy-Eight Thousand Five Hundred Seventy-Six Dollars (\$378,576) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Seven Hundred Fifty-Seven Thousand One Hundred Fifty-Three Dollars (\$757,153) as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pasadena Refining System, Inc, Docket No. 2010-2073-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 13 above, Three Hundred Seventy-Eight Thousand Five Hundred Seventy-Six Dollars (\$378,576) 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 Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, implement a Flare Flow Assessment Program ("FFAP") where practical and not inconsistent with

the planned operation of the flare gas recovery system ("FGRS") as described in Ordering Provision No. 3.g.:

- i. Identify and reduce or eliminate continuous or intermittent routine flows of refinery fuel gas to the East Flare and West Flare from, but not limited to, the Udex vent stream, Coker 9-thread valve, and SWS V-1 Drum; and
 - ii. Within 30 days after the effective date of this Agreed Order, submit an initial report as described in Ordering Provision No. 3.h. demonstrating that continuous or intermittent routine flows have been identified, the steps taken to reduce or eliminate flows, and the planned efforts for further reductions in such flows.
- b. Within 30 days after the effective date of this Agreed Order:
- i. Implement measures and/or procedures to ensure that the tail gas incinerator stack is being operated with no less than 3 percent oxygen in the incinerator stack, in accordance with Air Permit No. 6059, Special Conditions No. 4;
 - ii. Implement measures and/or procedures to ensure that the HRVOC analyzers for the East and West Flares are operating correctly at least 95 percent of the time when the flare is operational, in accordance with Air Permit No. 56389, Special Conditions No. 6.E.;
 - iii. Implement measures and/or procedures to ensure that the HRVOC analyzers for the Complex Cooling Tower are operating correctly at least 95 percent of the time when the cooling tower is operational, in accordance with 30 TEX. ADMIN. CODE § 115.764(a)(3);
 - iv. Implement measures and/or procedures to ensure that all reportable emissions events are reported, in accordance with 30 TEX. ADMIN. CODE § 101.201;
 - v. Implement measures and/or procedures to ensure compliance with the actual hourly filling rates for Storage Tank Nos. 118, 330, and 820, in accordance with Air Permit No. 56389, Special Conditions No. 4 and Air Permit No. 20246, Special Conditions No. 14;
 - vi. Implement measures and/or procedures to comply with the in-stack hourly average limit for SO₂ in the SRU Tail Gas Incinerator; and
 - vii. Review and/or update the procedures for achieving compliance with H₂S limits for Unit IDs FCCHT002, BLRHT010, BLRHT004, BLRHT006, and HTREF2631.

- c. Within 30 days after the effective date of this Agreed Order, submit an administratively complete application for Permit No. 56389 in accordance with 30 TEX. ADMIN. CODE § 116.111 in order to obtain authorization for a temporary increase in the emissions from the East and West Flares associated with the continuous and intermittent routine flows to the flares. The increase, if granted, shall only be effective until the commissioning and start up of the FGRS. The application shall be submitted to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application for permit amendment within 30 days after the date of such requests, or by any other deadline specified in writing. Provided, however, that nothing in this Order prohibits the Respondent from withdrawing its application to amend Permit No. 56389 to authorize a temporary increase in the VOC allowable emission rates from the East and West Flares.
- e. Within 15 days after the issuance of a permit amendment authorizing the temporary increase in emissions from the East and West Flares as described in Ordering Provision No. 3.c., submit a written certification as described in Ordering Provision No. 3.k. to demonstrate compliance with the temporary emission limits applicable to the East and West Flares.
- f. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.k. demonstrating compliance with Ordering Provision Nos. 3.b. and 3.c.
- g. Within 45 days after implementing the FFAP, commence work to design, install, and operate the FGRS to control continuous or intermittent routine flows to the East Flare and West Flare not eliminated through the program described in Ordering Provision No. 3.a., in accordance with the following schedule:
 - i. By January 1, 2012, complete the conceptual design for the FGRS;
 - ii. By March 1, 2012, submit an administratively complete permit application to obtain authorization to construct and operate the FGRS. This authorization may include an application to amend Permit No. 56389 and/or an application for a standard permit. The application shall be submitted to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iii. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application for permit amendment within 30 days after the date of such requests, or by any other deadline specified in writing.
- iv. By January 15, 2015, complete the construction of the FGRS; and
- v. By March 31, 2015, commission and startup the FGRS.
- h. Within 15 days after commissioning and starting up of the FGRS, submit written certification as described in Ordering Provision No. 3.k. to demonstrate compliance with the emission limits applicable to the East Flare and West Flare.
- i. Within 60 days after the effective date of this Agreed Order, submit a Flare System Compliance Plan to the TCEQ Houston Regional Office at the address listed in Ordering Provision No. 3.k. to demonstrate a planned program has been implemented to achieve compliance with the emission limits applicable to the East Flare and West Flare, in accordance with Air Permit No. 56389 Special Conditions No. 1 and FOP No. O1544 Special Terms and Conditions No. 17, through a combination of the methods described in Ordering Provision Nos. 3.a. and 3.g.;
- j. Within 180 days after the effective date of this Agreed Order and every 180 days thereafter until compliance has been achieved, submit a semiannual status report as described in Ordering Provision No. 3.k. that contains, but is not limited to, a description of the actions taken to identify and reduce or eliminate continuous or intermittent routine flows of refinery fuel gas to the East Flare and West Flare, planned efforts for further reductions in such flows, the status of permitting for the temporary increase in VOC emissions and for the FGRS, and the status of the design, installation, and operation of the FGRS.
- k. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

10/23/12

Date

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

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

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

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

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


Signature

02/14/2012
Date

Francisco Raymundo de Cerqueira Neto
CEO - PRSI

Name (Printed or typed)
Authorized Representative of
Pasadena Refining System, Inc

CEO
Title

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

Attachment A
Docket Number: 2010-2073-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Pasadena Refining System, Inc
Payable Penalty Amount:	Seven Hundred Fifty-Seven Thousand One Hundred Fifty-Three Dollars (\$757,153)
SEP Amount:	Three Hundred Seventy-Eight Thousand Five Hundred Seventy-Six Dollars (\$378,576)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 - Houston - Galveston

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter

Pasadena Refining System, Inc
Agreed Order - Attachment A

traps, diesel particulate matter filters, Nitrogen Oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

Pasadena Refining System, Inc
Agreed Order - Attachment A

4. Failure to Fully Perform

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

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

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

The Respondent shall also mail a copy of the check to the 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.