

Executive Summary – Enforcement Matter – Case No. 43911

Motiva Enterprises LLC

RN100209451

Docket No. 2012-0735-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Oil refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2012-0331-AIR-E, 2012-0735-AIR-E, 2013-0304-AIR-E, 2013-0551-AIR-E, and 2013-0885-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 4, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$101,038

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$50,519

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$50,519

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: \$37,500

Applicable Penalty Policy: September 2002 and September 2011

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Motiva Enterprises LLC
RN100209451
Docket No. 2012-0735-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 24, 2012, February 13, 2012 and March 5, 2012

Date(s) of NOE(s): March 22, 2012, April 12, 2012 and April 20, 2012

Violation Information

1. Failed to prevent unauthorized emissions. Since this emissions event could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions Nos. 1 and 5, and Federal Operating Permit (“FOP”) No. O1386, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 16A].
2. Failed to comply with the maximum allowable sulfur dioxide hourly emissions rates [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1, FOP No. O1386, GTC and STC No. 16A, and FOP No. O3387, GTC and STC 18].
3. Failed to comply with the maximum allowable nitrogen oxides (“NOx”) hourly emissions rate [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, and FOP No. O1386, GTC and STC No. 16A].
4. Failed to comply with the maximum allowable annual NOx and volatile organic compounds emissions rates based on a rolling 12-month period [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1, and FOP No. O1386, GTC and STC Nos. 16A].
5. Failed to prevent unauthorized emissions. Since this emissions event could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions Nos. 1 and 5, Permit Nos. 6056 and PSDTX1062M1, Special Conditions Nos. 1 and 5, FOP No. O3387, GTC and STC No. 18, and FOP No. O1386, GTC and STC No. 16A].

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Docket No. 2012-0735-AIR-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On February 10, 2011, installed pressure gauges to the amine towers for local monitoring, and instituted special monitoring for the remainder of the winter months;
- b. By October 31, 2011, conducted training and instituted onsite sampling of the lean amine for H₂S content;
- c. On January 26, 2012, revised bypass procedures and labeled valves and piping to prevent the recurrence of emissions events due to the same causes as Incident No. 162709;
- d. By January 31, 2012, completed critical pressure indicating instrumentation revisions and began proactive critical pressure monitoring;
- e. On February 10, 2012, increased the protective relaying settings to enable each transformer to assume the entire load of the other during switching or an unexpected failure of one of the transformers to prevent the recurrence of emissions events due to the same causes as Incident No. 164552;
- f. By February 29, 2012, updated all calculations in the Distributive Control System to ensure compliance with the allowable annual NO_x emissions rates based on a rolling 12-month period at Facility Identification Number ("FIN") MPU4EXTHTR, and the allowable annual VOC emissions rates based on a rolling 12-month period at FINs Boiler 29, Boiler 32, and Boiler 33; and
- g. On August 21, 2012, obtained an amendment for Flexible Permit Nos. 8404 and PSDTX1062M1 to increase the maximum hourly firing rates to ensure compliance with the maximum allowable hourly emissions rate for NO_x at Emissions Point Number SCRU4-1.

Technical Requirements:

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

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

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Docket No. 2012-0735-AIR-E

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Greg Willms, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0735-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Penalty Amount:	One Hundred One Thousand Thirty-Eight Dollars (\$101,038)
SEP Amount:	Fifty Thousand Five Hundred Nineteen Dollars (\$50,519)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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

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

Motiva Enterprises LLC
Agreed Order - Attachment A

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

Motiva Enterprises LLC
Agreed Order - Attachment A

4. Failure to Fully Perform

If 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:

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

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 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 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

DATES	Assigned	26-Mar-2012	Screening	2-Apr-2012	EPA Due	17-Dec-2012
	PCW	10-Jul-2013				

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

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	43911	Order Type	Findings
Docket No.	2012-0735-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$15,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance History **219.0%** Enhancement **Subtotals 2, 3, & 7** **\$32,850**

Notes: Enhancement for six NOVs with same/similar violations, 14 NOVs with dissimilar violations, eight orders with denial of liability, and one order without denial of liability. Reduction for eight notices of intent to conduct an audit, three disclosures of violations, and an environmental management system.

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** **\$3,375**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**
 Total EB Amounts **\$974**
 Approx. Cost of Compliance **\$16,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$44,475**

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

Notes: Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount **\$44,475**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$44,475**

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 **\$44,475**

Screening Date 2-Apr-2012

Docket No. 2012-0735-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 43911

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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>)	6	30%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 219%

>> 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 six NOVs with same/similar violations, 14 NOVs with dissimilar violations, eight orders with denial of liability, and one order without denial of liability. Reduction for eight notices of intent to conduct an audit, three disclosures of violations, and an environmental management system.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 219%

Screening Date 2-Apr-2012

Docket No. 2012-0735-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 2 (September 2002)

Case ID No. 43911

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16A, and FOP No. O3387, GTC and STC 18

Violation Description Failed to comply with the maximum allowable sulfur dioxide ("SO2") hourly emissions rates. Specifically, on February 2, 3, and 10, 2011, the Respondent exceeded the allowable SO2 hourly emissions rates of 0.34 pound/hour ("lb/hr") for Facility ID No. ("FIN") MPU4EXTHTR by 0.177 lb/hr for 28 hours, 1.64 lbs/hr for FIN MPU4ROHTR by 1.628 lbs/hr for 30 hours, 3.42 lbs/hr for FIN SCDHydro/SCHDS2 by 0.678 lb/hr for five hours, 1.49 lbs/hr for FIN SCHU1-5 by 0.858 lb/hr for 26 hours, 10.10 lbs/hr for FIN Boiler 33 by 1.717 lbs/hr for 20 hours, and 5.22 lbs/hr for FIN VPS4ATM3HT by 1.425 lbs/hr for 24 hours; resulting in the unauthorized release of 148.04 lbs of SO2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%). An 'X' is marked in the Actual/Moderate cell.

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 3

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

Violation Base Penalty \$2,500

One quarterly event is recommended for the exceedances on February 2, 3, and 10, 2011.

Good Faith Efforts to Comply

25.0% Reduction \$625

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

Notes: The Respondent completed corrective measures by January 31, 2012, prior to the April 12, 2012 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$597

Violation Final Penalty Total \$7,350

This violation Final Assessed Penalty (adjusted for limits) \$7,350

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 43911
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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)	\$12,000	2-Feb-2011	31-Jan-2012	0.99	\$597	n/a	\$597

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the maximum allowable hourly emissions rates for SO2 at FINs MPU4EXTHTR, MPU4ROHTR, SCDHydro/SCHDS2, SCHU1-5, Boiler 33, and VPS4ATM3HT. The date required is the date of the first exceedance. 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

\$12,000

TOTAL

\$597

Screening Date 2-Apr-2012
 Respondent Motiva Enterprises LLC
 Case ID No. 43911

Docket No. 2012-0735-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, and FOP No. O1386, GTC and STC No. 16A

Violation Description

Failed to comply with the maximum allowable nitrogen oxides ("NOx") hourly emissions rate. Specifically, on January 12 and 13, 2011, the Respondent exceeded the emissions rate of 40.69 pounds per hour for six hours at Emissions Point No. ("EPN") SCRU4-1, resulting in the unauthorized release of 42.20 pounds of NOx.

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 2

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

Violation Base Penalty \$2,500

One quarterly event is recommended for the exceedances on January 12 and 13, 2011.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes

The Respondent completed corrective measures on August 21, 2012, after the April 12, 2012 NOE.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$7,725

This violation Final Assessed Penalty (adjusted for limits) \$7,725

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 43911
Reg. Ent. Reference No. RN100209451
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
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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)	\$2,000	12-Jan-2011	21-Aug-2012	1.61	\$161	n/a	\$161

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the maximum allowable hourly emissions rate for NOx at EPN SCRU4-1. The date required is the date of the first exceedance. 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 \$2,000

TOTAL \$161

Screening Date 2-Apr-2012
 Respondent Motiva Enterprises LLC
 Case ID No. 43911

Docket No. 2012-0735-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1, and FOP No. O1386, GTC and STC Nos. 16A

Violation Description

Failed to comply with the maximum allowable annual NOx and volatile organic compounds ("VOC") emissions rates based on a rolling 12-month period. Specifically, the Respondent exceeded the NOx emissions rate of 3.15 tons per year ("tpy") at FIN MPU4EXTHTR from March through October 2010, and exceeded the VOC emissions rates of 2.5 tpy for FIN Boiler 29 by 1.23 tons, 2.3 tpy for FIN Boiler 32 by 1.5 tons, and 2.3 tpy for FIN Boiler 33 by 3.0 tons during every month in 2010; resulting in the unauthorized release of 1.76 tons of NOx and 5.73 tons of VOC.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 365 Number of violation days

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 for the exceedances in calendar year 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent completed corrective measures by February 29, 2012, prior to the April 12, 2012 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$216

Violation Final Penalty Total \$29,400

This violation Final Assessed Penalty (adjusted for limits) \$29,400

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 43911
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	1-Jan-2010	29-Feb-2012	2.16	\$216	n/a	\$216

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure compliance with the allowable annual NOx emissions rates based on a rolling 12-month period at FIN MPU4EXTHTR, and the allowable annual VOC emissions rates based on a rolling 12-month period at FINs Boiler 29, Boiler 32, and Boiler 33. The date required is the initial date of noncompliance. 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 \$2,000

TOTAL \$216



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	26-Mar-2012	Screening	2-Apr-2012	EPA Due	17-Dec-2012
	PCW	10-Jul-2013				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	43911	No. of Violations	2
Docket No.	2012-0735-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$53,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$53,750**

Notes: Enhancement for six NOVs with same/similar violations, 14 NOVs with dissimilar violations, eight orders with denial of liability, and one order without denial of liability. Reduction for eight notices of intent to conduct an audit, three disclosures of violations, and an environmental management system.

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** **\$13,437**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts: \$7
 Approx. Cost of Compliance: \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$94,063**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount **\$94,063**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$56,563**

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 **\$56,563**

Screening Date 2-Apr-2012

Docket No. 2012-0735-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 3 (September 2011)

Case ID No. 43911

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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>)	6	30%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 219%

>> 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 six NOVs with same/similar violations, 14 NOVs with dissimilar violations, eight orders with denial of liability, and one order without denial of liability. Reduction for eight notices of intent to conduct an audit, three disclosures of violations, and an environmental management system.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 219%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 2-Apr-2012
Respondent Motiva Enterprises LLC
Case ID No. 43911

Docket No. 2012-0735-AIR-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions Nos. 1 and 5, and Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16A

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,903.11 pounds ("lbs") of sulfur dioxide ("SO2"), 157.68 lbs of carbon monoxide ("CO"), 151.95 lbs of volatile organic compounds ("VOC"), 30.93 lbs of nitrogen oxides ("NOx"), and 20.73 lbs hydrogen sulfide ("H2S") from the Alkylation Unit Flare, the Hydrocracking Unit Flare, and the Hydrogen Treating Unit Flare during an avoidable emissions event (Incident No. 162709) that began on December 12, 2011 and lasted 45 minutes. The event occurred when the West Area Gas System sour gas knockout drum was being removed from service for inspection because of a high pressure drop across the drum. During the process of routing sour gases to another knockout drum, a valve that was inadvertently left closed caused a buildup of backpressure and led to emissions being flared. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
Release		Major	Moderate	Minor	
Actual				X	Percent 15.0%
Potential					

>> Programmatic Matrix

		Harm			
Falsification		Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
	Adjustment	\$21,250			

\$3,750

Violation Events

Number of Violation Events: 1 1 Number of violation days

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes The Respondent completed corrective measures on January 26, 2012, prior to the March 22, 2012 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 43911
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$1,000	12-Dec-2011	26-Jan-2012	0.12	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to revise bypass procedures and label valves and piping to prevent the recurrence of an emissions event due to the same causes as Incident No. 162709. The date required is the date of the emissions event. 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

\$1,000

TOTAL

\$6

Screening Date 2-Apr-2012
Respondent Motiva Enterprises LLC
Case ID No. 43911

Docket No. 2012-0735-AIR-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions Nos. 1 and 5, Permit Nos. 6056 and PSDTX1062M1, Special Conditions Nos. 1 and 5, FOP No. O3387, GTC and STC No. 18, and FOP No. O1386, GTC and STC No. 16A

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,765.78 lbs of SO₂, 30,214.39 lbs of CO, 24,897.12 lbs of VOC, 222.09 lbs of NO_x, and 182.07 lbs of H₂S from Emission Point Nos. EFCCU1&2, FBSW, SFCCU3-2, EFCCU3, EHCU2, EHTU, FPH27, and FCCU3 during an avoidable emissions event (Incident No. 164552) that began on February 7, 2012 and lasted 25 hours and 30 minutes. The event was the result of Transformer T3 tripping because it was operated above its base rating during a maintenance activity. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2 Number of violation days 2

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

Violation Base Penalty \$50,000

Two daily events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$12,500

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

Notes

The Respondent completed corrective measures on February 10, 2012, prior to the April 20, 2012 NOE.

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$1

Statutory Limit Test

Violation Final Penalty Total \$87,500

This violation Final Assessed Penalty (adjusted for limits) \$50,000

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 43911
Reg. Ent. Reference No. RN100209451
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
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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)	\$2,000	7-Feb-2012	10-Feb-2012	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to ensure that transformers are operated within base rating parameters. The date required is the date of the emissions event. 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 \$2,000

TOTAL \$1



Compliance History Report

PUBLISHED Compliance History Report for CN600124051, RN100209451, Rating Year 2011 which includes Compliance History (CH) components from September 1, 2006, through August 31, 2011.

Customer, Respondent, or Owner/Operator:	CN600124051, Motiva Enterprises LLC	Classification:	AVERAGE	Rating:	6.62
Regulated Entity:	RN100209451, PORT ARTHUR REFINERY	Classification:	AVERAGE	Rating:	17.98
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0095D
AIR OPERATING PERMITS PERMIT 3387
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30121
WASTEWATER PERMIT WQ0000414000
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230079

AIR OPERATING PERMITS PERMIT 1386
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD008097529
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50188
WASTEWATER EPA ID TX0005835
AIR NEW SOURCE PERMITS REGISTRATION 48503

AIR NEW SOURCE PERMITS REGISTRATION 48504
AIR NEW SOURCE PERMITS REGISTRATION 48506
AIR NEW SOURCE PERMITS REGISTRATION 49333
AIR NEW SOURCE PERMITS REGISTRATION 49477
AIR NEW SOURCE PERMITS REGISTRATION 49912
AIR NEW SOURCE PERMITS REGISTRATION 50158
AIR NEW SOURCE PERMITS PERMIT 3415
AIR NEW SOURCE PERMITS PERMIT 7160
AIR NEW SOURCE PERMITS PERMIT 8210
AIR NEW SOURCE PERMITS REGISTRATION 23943
AIR NEW SOURCE PERMITS REGISTRATION 24148
AIR NEW SOURCE PERMITS REGISTRATION 24081
AIR NEW SOURCE PERMITS REGISTRATION 29244
AIR NEW SOURCE PERMITS REGISTRATION 31590
AIR NEW SOURCE PERMITS REGISTRATION 34500
AIR NEW SOURCE PERMITS REGISTRATION 38931
AIR NEW SOURCE PERMITS REGISTRATION 40494
AIR NEW SOURCE PERMITS REGISTRATION 41443
AIR NEW SOURCE PERMITS REGISTRATION 44322
AIR NEW SOURCE PERMITS REGISTRATION 44691
AIR NEW SOURCE PERMITS REGISTRATION 45560
AIR NEW SOURCE PERMITS REGISTRATION 45938
AIR NEW SOURCE PERMITS REGISTRATION 45935
AIR NEW SOURCE PERMITS REGISTRATION 46015
AIR NEW SOURCE PERMITS REGISTRATION 46331
AIR NEW SOURCE PERMITS REGISTRATION 46326
AIR NEW SOURCE PERMITS REGISTRATION 46958
AIR NEW SOURCE PERMITS REGISTRATION 48153
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0095D
AIR NEW SOURCE PERMITS REGISTRATION 11762
AIR NEW SOURCE PERMITS REGISTRATION 11895
AIR NEW SOURCE PERMITS REGISTRATION 12117
AIR NEW SOURCE PERMITS REGISTRATION 13313
AIR NEW SOURCE PERMITS REGISTRATION 13534

AIR NEW SOURCE PERMITS REGISTRATION 48505
AIR NEW SOURCE PERMITS REGISTRATION 49332
AIR NEW SOURCE PERMITS REGISTRATION 49480
AIR NEW SOURCE PERMITS REGISTRATION 49478
AIR NEW SOURCE PERMITS REGISTRATION 50157
AIR NEW SOURCE PERMITS REGISTRATION 50299
AIR NEW SOURCE PERMITS PERMIT 6056
AIR NEW SOURCE PERMITS PERMIT 7304
AIR NEW SOURCE PERMITS PERMIT 8404
AIR NEW SOURCE PERMITS REGISTRATION 23690
AIR NEW SOURCE PERMITS REGISTRATION 24417
AIR NEW SOURCE PERMITS REGISTRATION 24307
AIR NEW SOURCE PERMITS REGISTRATION 32236
AIR NEW SOURCE PERMITS REGISTRATION 34264
AIR NEW SOURCE PERMITS REGISTRATION 37624
AIR NEW SOURCE PERMITS REGISTRATION 39659
AIR NEW SOURCE PERMITS REGISTRATION 40950
AIR NEW SOURCE PERMITS REGISTRATION 41820
AIR NEW SOURCE PERMITS REGISTRATION 44565
AIR NEW SOURCE PERMITS REGISTRATION 45561
AIR NEW SOURCE PERMITS REGISTRATION 45545
AIR NEW SOURCE PERMITS REGISTRATION 45937
AIR NEW SOURCE PERMITS REGISTRATION 45934
AIR NEW SOURCE PERMITS REGISTRATION 46079
AIR NEW SOURCE PERMITS REGISTRATION 46330
AIR NEW SOURCE PERMITS REGISTRATION 46589
AIR NEW SOURCE PERMITS REGISTRATION 47149
AIR NEW SOURCE PERMITS REGISTRATION 51922
AIR NEW SOURCE PERMITS REGISTRATION 11297
AIR NEW SOURCE PERMITS REGISTRATION 11777
AIR NEW SOURCE PERMITS REGISTRATION 12059
AIR NEW SOURCE PERMITS REGISTRATION 12482
AIR NEW SOURCE PERMITS REGISTRATION 13358
AIR NEW SOURCE PERMITS REGISTRATION 13693

AIR NEW SOURCE PERMITS REGISTRATION 14363
AIR NEW SOURCE PERMITS REGISTRATION 14493
AIR NEW SOURCE PERMITS REGISTRATION 15717
AIR NEW SOURCE PERMITS REGISTRATION 16221
AIR NEW SOURCE PERMITS REGISTRATION 54322
AIR NEW SOURCE PERMITS AFS NUM 4824500020
AIR NEW SOURCE PERMITS REGISTRATION 109665
AIR NEW SOURCE PERMITS REGISTRATION 52468
AIR NEW SOURCE PERMITS REGISTRATION 77681
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062
AIR NEW SOURCE PERMITS REGISTRATION 26297
AIR NEW SOURCE PERMITS REGISTRATION 87900
AIR NEW SOURCE PERMITS REGISTRATION 89842
AIR NEW SOURCE PERMITS REGISTRATION 93407
AIR NEW SOURCE PERMITS REGISTRATION 96078
AIR NEW SOURCE PERMITS REGISTRATION 96991
AIR NEW SOURCE PERMITS REGISTRATION 101826
AIR NEW SOURCE PERMITS REGISTRATION 103077
AIR NEW SOURCE PERMITS REGISTRATION 105516
AIR NEW SOURCE PERMITS REGISTRATION 109691
AIR NEW SOURCE PERMITS REGISTRATION 109662
AIR NEW SOURCE PERMITS REGISTRATION 105518
AIR NEW SOURCE PERMITS REGISTRATION 107320
AIR NEW SOURCE PERMITS REGISTRATION 105515
AIR NEW SOURCE PERMITS REGISTRATION 105504
STORMWATER PERMIT TXRNEY448

AIR NEW SOURCE PERMITS REGISTRATION 14273
AIR NEW SOURCE PERMITS REGISTRATION 15403
AIR NEW SOURCE PERMITS REGISTRATION 16025
AIR NEW SOURCE PERMITS PERMIT 17522
AIR NEW SOURCE PERMITS REGISTRATION 75653
AIR NEW SOURCE PERMITS PERMIT 56287
AIR NEW SOURCE PERMITS REGISTRATION 52429
AIR NEW SOURCE PERMITS REGISTRATION 75103
AIR NEW SOURCE PERMITS REGISTRATION 77922
AIR NEW SOURCE PERMITS PERMIT 78358
AIR NEW SOURCE PERMITS REGISTRATION 79866L
AIR NEW SOURCE PERMITS REGISTRATION 86268
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1
AIR NEW SOURCE PERMITS REGISTRATION 95508
AIR NEW SOURCE PERMITS REGISTRATION 100512
AIR NEW SOURCE PERMITS REGISTRATION 101131
AIR NEW SOURCE PERMITS REGISTRATION 102623
AIR NEW SOURCE PERMITS REGISTRATION 109207
AIR NEW SOURCE PERMITS REGISTRATION 109655
AIR NEW SOURCE PERMITS REGISTRATION 105523
AIR NEW SOURCE PERMITS REGISTRATION 105517
AIR NEW SOURCE PERMITS REGISTRATION 105519
AIR NEW SOURCE PERMITS REGISTRATION 106439
AIR NEW SOURCE PERMITS REGISTRATION 109653
AIR NEW SOURCE PERMITS REGISTRATION 105522
PETROLEUM STORAGE TANK STAGE II REGISTRATION 57808

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION #
(SWR) 30121
POLLUTION PREVENTION PLANNING ID NUMBER P06462

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D
POLLUTION PREVENTION PLANNING ID NUMBER P00651

Compliance History Period: September 01, 2006 to August 31, 2011 **Rating Year:** 2011 **Rating Date:** 09/01/2011

Date Compliance History Report Prepared: May 20, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 20, 2008 to May 20, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kimberly Morales

Phone: (713) 422-8938

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/19/2008 ADMINORDER 2006-1513-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to obtain authorization for the CO emissions from the MPU No. 3 Extract Heater (EPN: SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN: SMPU3-1).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Published Compliance History Report for CN600124051, RN100209451, Rating Year 2011 which includes Compliance History (CH) components from May 20, 2008, through May 20, 2013.

30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 6F PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526, and 14824.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

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

Description: Failure to timely report 12 deviations during three semi-annual deviation reports. Two of the reports additionally were missing corrective action information for two reported deviations.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)
30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 106, SubChapter T 106.454(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 17 OP

Description: Failure to properly operate facility degreasing units.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(v)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP

Description: Failure to maintain a record of the repair monitoring for a leaking fugitive component.

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to seal 67 open-ended lines with a cap, plug, or blind flange.

Classification: Moderate

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

Rqmt Prov: 8404, Special Condition 79 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP

Description: Failure to maintain a record of fugitive monitoring components 1992, 1993 and 1994 in the fugitive monitoring database.

2 Effective Date: 07/03/2008 ADMINORDER 2007-1497-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: 6056, General Condition 8 PERMIT
8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
5C THC Chapter 382, SubChapter A 382.085(b)

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

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

Classification: Moderate

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

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

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

3 Effective Date: 09/22/2008 ADMINORDER 2008-0389-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

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

4 Effective Date: 06/18/2010 ADMINORDER 2009-1043-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT

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

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

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Classification: Moderate

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

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

Description: Failure to perform monthly drain inspections.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FK FCCU1 and 2).

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to perform monthly monitoring of the HTU3 Cooling Tower (EPN: FKHTU3).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to maintain the H2S content of the fuel gas to 160 ppmv averaged over a three hour period and no more than 130 ppmv on a rolling 24-hour basis.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to continuously monitor the pilot flame at the LHCU, HTU4, FCCU3 and ALKY flares.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 38A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to comply with the permitted hourly maximum allowable concentrations for SO2 and NOx from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to perform monthly monitoring of a leaking valve.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: 6056, General Condition 8 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Special Condition 16A PERMIT

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

Classification: Moderate

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

Rqmt Prov: 6056, General Condition 8 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP

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

5 Effective Date: 10/25/2010 ADMINORDER 2010-0381-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, General Condition 8 PERMIT
8404/PSD-TX-1062, Special Condition 1 PERMIT
O-01386, General Terms and Conditions OP

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

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

6 Effective Date: 05/08/2011 ADMINORDER 2010-1514-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 106, SubChapter A 106.6(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16 OP

Description: Failure to maintain the VOC emission rate below the allowable emission limit at the West API Separator TO, EPN: APISEP FE, as represented in the PI-7 CERT. A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Condition OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the NOx and CO emission rates below the allowable emission limit at the VPS4 Combined Heater Stack (EPN: SVPS4-7). EIC A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emissions rate below the allowable emission limit at the CRU4 Combined Heater Stack (EPN: SCR4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)
Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the CO emission rate below the allowable emission limit at the VPS2 Combined Heater Stack (EPN: SVPS2-1). A8(c)(2)(A)(ii) MOD(2)(D)

7 Effective Date: 01/27/2012 ADMINORDER 2011-0688-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational and/or maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

8 Effective Date: 08/02/2012 ADMINORDER 2011-2212-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Rqmt Prov: FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 2F OP

Description: Failed to submit the initial notification for a reportable emissions event within 24 hours of discovery. Specifically, the emissions event was discovered on June 28, 2011 at 5:22 a.m., but the initial notification was not submitted until June 29, 2011 at 9:03 p.m.

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failed to prevent unauthorized emissions. Specifically, 1,938.16 pounds of unauthorized sulfur dioxide emissions were released during an unavoidable emissions event (Incident No. 156286) that began on June 28, 2011 and lasted five hours and 47 minutes. The release occurred when the Sulfur Recovery Unit 4 diverter valve opened to the Tail Gas Treating Unit 2 Incinerator due to a failure in a field electrical termination assembly. Since the emissions event was reported late, the Respondent is

9 Effective Date: 03/21/2013 ADMINORDER 2012-1591-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the executive director prior to making a significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(1)
30 TAC Chapter 290, SubChapter D 290.45(f)(4)
30 TAC Chapter 290, SubChapter D 290.45(f)(5)

Description: Failure to provide a water purchase contract that authorizes a maximum daily purchase rate or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute per connection, and that authorizes a maximum hourly purchase rate plus the actual service pump capacity of at least 2.0 gpm per connection or is at least 1,000 gpm and able to meet peak hourly demands, whichever is less.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Failure to plug abandoned wells or submit test results proving that the wells are in a nondeteriorated condition.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 30, 2008	(681425)
Item 2	June 07, 2008	(559928)
Item 3	July 25, 2008	(637867)
Item 4	August 04, 2008	(688786)
Item 5	August 18, 2008	(687784)
Item 6	August 20, 2008	(710734)
Item 7	August 26, 2008	(435405)
Item 8	August 27, 2008	(689025)
Item 9	September 16, 2008	(710733)
Item 10	October 27, 2008	(706417)
Item 11	November 14, 2008	(727483)
Item 12	November 18, 2008	(684387)

Item 13	December 18, 2008	(750270)
Item 14	December 19, 2008	(721889)
Item 15	February 16, 2009	(750266)
Item 16	March 18, 2009	(750267)
Item 17	April 14, 2009	(750269)
Item 18	April 17, 2009	(735807)
Item 19	May 14, 2009	(768349)
Item 20	June 10, 2009	(768350)
Item 21	July 08, 2009	(743065)
Item 22	July 28, 2009	(762778)
Item 23	July 29, 2009	(762779)
Item 24	August 11, 2009	(804648)
Item 25	August 26, 2009	(763405)
Item 26	September 15, 2009	(804649)
Item 27	September 22, 2009	(763792)
Item 28	October 05, 2009	(765337)
Item 29	October 14, 2009	(804650)
Item 30	October 29, 2009	(776147)
Item 31	November 05, 2009	(776148)
Item 32	November 12, 2009	(776479)
Item 33	November 13, 2009	(804651)
Item 34	December 15, 2009	(804652)
Item 35	January 05, 2010	(786191)
Item 36	January 06, 2010	(784719)
Item 37	January 07, 2010	(786188)
Item 38	January 13, 2010	(804653)
Item 39	February 08, 2010	(790438)
Item 40	February 12, 2010	(776149)
Item 41	February 18, 2010	(785707)
Item 42	February 24, 2010	(790004)
Item 43	March 01, 2010	(787175)
Item 44	March 16, 2010	(830881)
Item 45	March 23, 2010	(791693)
Item 46	April 13, 2010	(830882)
Item 47	May 10, 2010	(830883)
Item 48	May 26, 2010	(798314)
Item 49	June 03, 2010	(803496)
Item 50	June 15, 2010	(846268)
Item 51	June 24, 2010	(826000)
Item 52	July 05, 2010	(829489)
Item 53	July 15, 2010	(860862)
Item 54	August 19, 2010	(866829)
Item 55	August 31, 2010	(848673)
Item 56	September 16, 2010	(873900)
Item 57	October 15, 2010	(881501)
Item 58	November 15, 2010	(865974)
Item 59	November 17, 2010	(888030)
Item 60	December 20, 2010	(896239)
Item 61	December 21, 2010	(884947)
Item 62	January 03, 2011	(884857)
Item 63	January 19, 2011	(891548)
Item 64	January 20, 2011	(902305)
Item 65	January 21, 2011	(891647)
Item 66	February 01, 2011	(880655)
Item 67	February 14, 2011	(909084)
Item 68	February 15, 2011	(894736)
Item 69	February 21, 2011	(899503)
Item 70	February 23, 2011	(899893)
Item 71	March 18, 2011	(916343)
Item 72	March 22, 2011	(901784)

Item 73	April 18, 2011	(924807)
Item 74	May 12, 2011	(906804)
Item 75	May 13, 2011	(938025)
Item 76	June 13, 2011	(945348)
Item 77	July 01, 2011	(936394)
Item 78	July 19, 2011	(952622)
Item 79	August 09, 2011	(959303)
Item 80	August 15, 2011	(948878)
Item 81	August 24, 2011	(948863)
Item 82	August 30, 2011	(951060)
Item 83	September 14, 2011	(965336)
Item 84	October 12, 2011	(951037)
Item 85	October 17, 2011	(971376)
Item 86	November 16, 2011	(977535)
Item 87	December 19, 2011	(984303)
Item 88	January 09, 2012	(976534)
Item 89	January 11, 2012	(976876)
Item 90	February 20, 2012	(997965)
Item 91	February 27, 2012	(989102)
Item 92	February 28, 2012	(989101)
Item 93	February 29, 2012	(989539)
Item 94	March 20, 2012	(1003489)
Item 95	April 21, 2012	(1010053)
Item 96	May 24, 2012	(1007755)
Item 97	May 29, 2012	(1007168)
Item 98	May 30, 2012	(1007271)
Item 99	June 08, 2012	(1009200)
Item 100	June 20, 2012	(1013221)
Item 101	June 23, 2012	(1009928)
Item 102	July 10, 2012	(1015329)
Item 103	July 16, 2012	(1015617)
Item 104	July 17, 2012	(1015681)
Item 105	July 19, 2012	(1015036)
Item 106	August 07, 2012	(1021223)
Item 107	August 17, 2012	(1037939)
Item 108	August 21, 2012	(1024044)
Item 109	August 28, 2012	(1027085)
Item 110	August 29, 2012	(1029494)
Item 111	September 17, 2012	(1029492)
Item 112	September 18, 2012	(1031350)
Item 113	September 26, 2012	(1034545)
Item 114	September 28, 2012	(1031002)
Item 115	October 01, 2012	(1024020)
Item 116	October 09, 2012	(1036486)
Item 117	October 10, 2012	(1036175)
Item 118	October 13, 2012	(1027759)
Item 119	October 15, 2012	(1029690)
Item 120	October 19, 2012	(1046671)
Item 121	October 26, 2012	(1030074)
Item 122	November 15, 2012	(1043432)
Item 123	November 19, 2012	(1060871)
Item 124	November 20, 2012	(1042530)
Item 125	December 19, 2012	(1060872)
Item 126	December 27, 2012	(1046511)
Item 127	January 21, 2013	(1078962)
Item 128	January 24, 2013	(1053845)
Item 129	February 05, 2013	(1051301)
Item 130	February 17, 2013	(1078961)
Item 131	February 20, 2013	(1051441)
Item 132	February 21, 2013	(1056295)

Item 133	March 20, 2013	(1059332)
Item 134	March 25, 2013	(1073967)
Item 135	April 04, 2013	(1077185)
Item 136	May 16, 2013	(1087950)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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

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

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

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

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

- 6 Date: 03/31/2009 (750268) CN600124051
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 7 Date: 08/19/2009 (736499) CN600124051
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP

Description: O-01386, Special Condition 2F OP
 Failure to determine the estimated total quantity of emissions released during a non-reportable emissions event.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 31A PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 Description: Failure to properly monitor facility cooling towers according to TCEQ Sampling Procedures Manual, Appendix P.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the CRU4 Flare (EPN: ECRU4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the LHCU Flare (EPN: EHCU).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the HTU4 Flare (EPN: EHTU).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the VPS4 Flare (EPN: EVPS4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 12E PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 8404/PSD-TX-1062, Special Condition 73 PERMIT
 O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 1 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 Description: Failure to maintain emission rates below the allowable annual emission limits at
 SCDHDS Heater 1 (EPN: SCDHDS-1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 117, SubChapter G 117.8100(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, SC 57B(2) PERMIT
 8404/PSD-TX-1062, Special Condition 56B PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to conduct the daily zero and span calibrations of the CRU4 Flue Gas Stack NOx
 CEMS.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 23 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 Description: Failure to properly control sour gas emissions during sulfur truck loading.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the DCU Flare (EPN: EDCU1).
 EIC B1 MOD 2B
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.780
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 55B PERMIT
 8404/PSD-TX-1062, Special Condition 73 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 Description: Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at or
 above a pH of 7.0.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 72 PERMIT
 O-01386, General Terms and Conditions OP

O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to perform monthly visual inspections in July 2008.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to operate the VPS4 Flare (EPN: EVPS4) with a pilot flame.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the ALKY Flare (EPN: EFCCU1&2).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the FCCU3 Flare (EPN: EFCCU3).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 117, SubChapter B 117.145
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 O-01386, Special Condition 1A OP
 Description: Failure to report CEMS performance and excess emissions in the correct format.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 52E PERMIT
 O-01386, General Terms and Conditions OP
 O-01386, Special Condition 16A OP
 Description: Failure to submit the HTU5 Charge Heater initial compliance testing reporting

within 45 days.

8	Date:	01/31/2010 (804647)	CN600124051
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	
9	Date:	03/11/2010 (792029)	CN600124051
	Self Report?	NO	Classification: Minor
	Citation:	ELMR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to notify the Regional Office 45 days prior to Outfall 003 activation or the anticipated discharge.	
	Self Report?	NO	Classification: Minor
	Citation:	MRR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to provide the 24-hour notice and five-day written report within the proper timelines for an unauthorized discharge.	
	Self Report?	NO	Classification: Moderate
	Citation:	PC PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to prevent an unauthorized discharge of wastewater into or adjacent to water of the state.	
	Self Report?	NO	Classification: Moderate
	Citation:	ELMR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to discharge compliant effluent with the total organic carbon daily maximum permit limit at Outfall 008.	
	Self Report?	NO	Classification: Minor
	Citation:	MRR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to retain monitoring and reporting records for three years.	
	Self Report?	NO	Classification: Minor
	Citation:	OpR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to properly operate and maintain units of collection and treatment.	
	Self Report?	NO	Classification: Moderate
	Citation:	PC PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to prevent unauthorized discharge of wastewater into or adjacent to water in the state.	
	Self Report?	NO	Classification: Minor
	Citation:	OpR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to properly operate and maintain units of treatment and collection.	
	Self Report?	NO	Classification: Minor
	Citation:	OpR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to properly operate and maintain units of treatment and collection.	
	Self Report?	NO	Classification: Minor
	Citation:	ELMR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to collect samples in accordance with the permit frequency.	
	Self Report?	NO	Classification: Minor
	Citation:	OT PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to submit the statement, "The reported value of zero for (parameter) on the self-reporting form for (date range) is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL", on the discharge monitoring report (DMR) when reporting a zero.	
	Self Report?	NO	Classification: Minor
	Citation:	MRR PERMIT	
	Description:	Failure by Motiva Enterprises, LLC to comply with test procedures specified in 30 TAC 319.11 - 319.12.	
10	Date:	03/23/2010 (787899)	CN600124051
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C) 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F) 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G) 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D) 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)	

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP
Description: Failure to properly submit an initial notification and the final report for an emissions event.

11 Date: 08/26/2010 (848872) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Permit 8404/PSD-TX-1062, SC 23 PERMIT
Description: Failure to properly control sour gas emissions during sulfur truck loading with the vapor collection system. EIC B18 MOD(2)(D)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP
Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 38 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to comply with the permitted hourly maximum allowable concentrations for CO from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2). EIC B13 MOD2(D)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 22 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to comply with the 250 ppmv 12 hour emission limit for SO2 at TGTU1 and TGTU2. EIC B13 MOD(2)(D)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.142(1)(H)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to repair a seal within the required time frame. EIC C4 MIN(3)(A)

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 115, SubChapter B 115.142(1)(B) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 72 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP		
Description:	Failure to properly seal the sump cover seal at HTU4 DO and the Lube Train Rich Amine Unit. EIC C4 MIN(3)(D)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 5B PERMIT 8404/PSD-TX-1062, Special Condition 71 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP FOP 1386, Special Condition 1A OP		
Description:	Failure to continuously operate with a flame present at the CRU4, LHCU, FCCU3, and ALKY flares. EIC B19(g)(1) MOD(2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 20 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 15 OP FOP 1386, Special Condition 16A OP		
Description:	Failure to maintain the SRU Incinerator Vent (EPN: STGTU-1) firebox temperature above 1200 degrees Fahrenheit. EIC B19(g)(1) MOD(2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 71 PERMIT 8404/PSD-TX-1062, Special Condition 73 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP		
Description:	Failure to make a first attempt at repair of a leaking component within 5 days of discovery. EIC C4 MOD(2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.780 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 55B PERMIT 8404/PSD-TX-1062, Special Condition 73 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP		
Description:	Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at or above a pH of 7.0. EIC B18 MOD(2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 5B PERMIT 8404/PSD-TX-1062, Special Condition 71 PERMIT		

Description: FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP
Failure to continuously monitor the pilot flame at the CRU4 flare. EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 57F PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)

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

12 Date: 04/19/2011 (901402) CN600124051

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 1A OP

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

13 Date: 07/29/2011 (923838) CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 23 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 12E PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 8404/PSD-TX-1062, Special Condition 73 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP
 Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP

Description: Failure to continuously operate with a flame present at the VPS4, FCCU3, and ALKY flares. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 8404/PSD-TX-1062, Special Condition 73 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP

Description: Failure to make a first attempt at repair of a leaking component within 5 days of discovery. EIC C4 MOD(2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 6 PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP

Description: Failure to maintain the H2S content of the fuel gas below 160 ppmv averaged over a three hour period and no more than 120 ppmv on a rolling 24-hour basis. EIC B13 MOD2(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 49 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP

Description: Failure to maintain the coke moisture content at or above 8.0%. EIC B19(g)(1) MOD2(G)

Self Report? NO Classification: Moderate

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

8404/PSD-TX-1062, Special Condition 57F PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to comply with the permitted the NOx CEMS downtime on a rolling 12-month period for the FCCU3. EIC B19(g)(1) MOD(2)(A)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to make a final repair on a leaking component within 15 days after discovery.
EIC C4 MOD(2)(G)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 10 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to perform monthly water seal inspections at the FCCU3 Unit. EIC B1 MOD(2)(A)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 57E PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to submit notification 30 days prior to conducting RATAs. EIC B3 MOD(2)(B)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(h)(2)(i)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to submit annual tank inspection report within 30 days after the inspection and to submit 30 day notifications prior to refilling tanks. EIC B3 MOD(2)(B)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP
Description: Failure to continuously monitor the pilot flame at the ALKY Flare (EPN):

EFCCU1&2), FCCU3 Flare (EPN: EFCCU3), VPS4 Flare (EPN: EVPS4), and the LHCU Flare (EPN: EHCU). EIC B1 MOD(2)(A)

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)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
54322 PERMIT
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to maintain the Ammonia (NH3) emissions rate below the allowable emission limit at the Waste Heat Boiler Stack, Emission Point Number (EPN) WHB37SCR. EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.217(a)(2)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to submit to the executive director an application for a minor permit revision before the change is operated. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
Description: Failure to report all instances of deviations in a semi-annual deviation report. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
Description: Failure to accurately certify a compliance certification. EIC B3 MOD(2)(B)

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Date: 08/26/2011 (914048) CN600124051

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.14(c)
P.P. III. C. 2. SECURITY PERMIT
Description: Failure to place sufficient number of signs that read "Danger - Unauthorized Personnel Keep Out" at all access points and barriers of active waste management portions.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 335, SubChapter H 335.261(b)(31)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33(d)(1)
Description: Failure to properly contain all (eight) "Universal Waste - Lamps" in containers or packages that are structurally sound and adequate to prevent breakage.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
Description: Failure to store hazardous waste (expired lab chemicals) within the allowed accumulation time of less than 90 days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9
Description: Failure to provide to the TCEQ, industrial and hazardous solid waste records, such as the inventory list of expired lab chemicals and recycled expired lab chemicals records.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 327 327.5(a)
P.P. III. E. 2. PERMIT
Description: Failure to immediately initiate clean-up of waste residue when a leak of quench water impacted the tank wall of Quench Water Tank No.: 1830.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(A)
Description: Failure to maintain two universal waste containers closed, except when necessary to add or remove waste.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)

	Description:	Failure to properly label two universal waste containers with the words "Universal Waste - Paint and Paint -Related Wastes".		
	Self Report?	NO	Classification:	Major
	Citation:	30 TAC Chapter 330, SubChapter Y 330.1207(c)(4)		
	Description:	Failure to conspicuously mark the outer container with a warning legend that must appear in English and in Spanish, along with the international symbol for biohazardous material.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 327 327.5(a) Permit 50188, P.P. III.E.2 PERMIT		
	Description:	Failure to immediately initiate clean-up of two spills of hydrocarbon at the side and rear of the BS&W loading rack.		
15	Date:	12/31/2011 (990604)	CN600124051	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
16	Date:	04/12/2012 (993982)	CN600124051	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 12E PERMIT 8404/PSD-TX-1062, Special Condition 71 PERMIT 8404/PSD-TX-1062, Special Condition 73 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP FOP 1386, Special Condition 1A OP		
	Description:	Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 101, SubChapter F 101.221(a) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP Permit 8404, Special Condition 23 PERMIT		
	Description:	Failure to properly control sour gas emissions with the vapor collection system. EIC B18 MOD(2)(D)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 116, SubChapter G 116.715(c)(7) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 8404/PSD-TX-1062, Special Condition 1 PERMIT FOP 1386, General Terms and Conditions OP FOP 1386, Special Condition 16A OP		
	Description:	Failure to maintain the Nitrogen oxides (NOx) emission rate below the allowable emission limit at the Vacuum Pipe Still 4 (VPS4) Combined Heater Stack (EPN: SVPS4-7). EIC B18 MOD(2)(D)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 116, SubChapter G 116.715(c)(7) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT 8404/PSD-TX-1062, Special Condition 1 PERMIT FOP 1386, General Terms and Conditions OP		

FOP 1386, Special Condition 16A OP
 FOP 3387, General Terms and Conditions OP
 FOP 3387, Special Condition 18 OP
 Description: Failure to maintain the Sulfur dioxide (SO₂) emission rate below the allowable emission limit at the Emission Point Numbers (EPNs): SCR4-1, SPS3-2, SVPS4-2, SVPS4-3, SVPS4-5, and SVPS4-6. EIC B18 MOD(2)(D)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP
 Description: Failure to continuously operate with a flame present at the VPS4 and Hydrogen Treating Unit (HTU) flares. EIC B19(g)(1) MOD(2)(G)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 5B PERMIT
 8404/PSD-TX-1062, Special Condition 71 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 FOP 1386, Special Condition 1A OP
 Description: Failure to continuously monitor the pilot flame at the Delayed Coking Unit 1 (DCU1) Flare (EPN: EDCU1). EIC B1 MOD(2)(A)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 116, SubChapter G 116.715(c)(7)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 8404/PSD-TX-1062, Special Condition 1 PERMIT
 FOP 1386, General Terms and Conditions OP
 FOP 1386, Special Condition 16A OP
 Description: Failure to maintain TPY below the permitted limit for EPNs: SVPS4-4, SVPS4-1, and TK 1945. EIC B18 MOD(2)(D)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 FOP 1386, General Terms and Conditions OP
 Description: Failure to submit an Annual Compliance Certification (ACC) report within 30 days after the end of the reporting period.
 B3 MOD(2)(B)

17 Date: 04/30/2012 (1016448) CN600124051
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

18 Date: 05/31/2012 (1024167) CN600124051
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

19 Date: 02/15/2013 (1054456) CN600124051
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 11E PERMIT
 SC 16A OP
 SC 1A OP
 Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 Description: Failure to report a deviation in a Semiannual Deviation Report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 11 PERMIT
 SC 16A OP
 SC 1A OP
 SC 61 PERMIT
 Description: Failure to conduct fugitive monitoring on 144 valves in volatile organic compound service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 1B PERMIT
 Description: The facility failed to maintain opacity limits at Boiler 34 (EPN SPS3-4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 6 PERMIT
 SC 61 PERMIT
 Description: Failure to maintain hydrogen sulfide emission rates for multiple sources at the facility.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 1B PERMIT
 Description: Failure to maintain nitrogen oxide limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP

SC 16A OP
 SC 1A OP
 SC 1B PERMIT
 Description: Failure to maintain opacity limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 1B PERMIT
 SC 9(a) OP
 Description: Failure to report an opacity exceedance in the 3rd quarter 2011 CEMS report.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 Description: Failure to report a deviation in a Semiannual Deviation Report.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 5B PERMIT
 SC 61 PERMIT
 Description: Failure to continuously monitor flares to confirm a flame present at all times.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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 TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 59 PERMIT
 SC 72 PERMIT
 Description: Failure to maintain records of Maintenance, Startup, and Shutdown activities involving vacuum trucks.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 Description: Failure to report a deviation in a deviation report.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 20 PERMIT
 Description: Failure to maintain 1200 degrees Fahrenheit at Tail Gas Treating Unit No. 1 Incinerator (EPN STGTU-1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 10 PERMIT
 SC 16A OP
 SC 1A OP
 SC 61 PERMIT
 Description: Failure to conduct monthly drain inspections at several units.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(e)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 61 PERMIT
 Description: Failure to operate a closed vent system with no detectable emissions.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 63 PERMIT
 Description: Failure to maintain five Storage Tanks in good condition during the reporting period of
 January-June 2012.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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 TERMS AND CONDITIONS OP
 SC 16A OP
 SC 1A OP
 SC 73(C)(3) PERMIT
 Description: Failure to monitor carbon canisters on an hourly basis.
 Self Report? NO Classification: Minor
 Citation: 106.532, Condition (1)(N) PERMIT
 30 TAC Chapter 106, SubChapter X 106.532(1)(N)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SC 16A OP
 Description: Failure to maintain proper abatement of wastewater at the Wastewater Treatment Unit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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 TERMS AND CONDITIONS OP
 SC 16A OP
 SC 72(A) PERMIT
 Description: Failure to use a control device while vacuuming gasoline with a vacuum truck.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 Description: Failure to report a deviation in a Semiannual Deviation Report.

20 Date: 05/01/2013 (1078296) CN600124051
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 25 PERMIT
SC 27 PERMIT

Description: Failure to conduct daily checks for hydrocarbons at the rich amine charge tanks at Amine Recovery Units 1, 2, 3 and 4.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

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)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 29A PERMIT

Description: Failure to conduct daily hydrocarbon checks at the 10- and 15-foot levels at the Sour Water Stripper Charge Level Tanks.

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
SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

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)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 29A PERMIT

Description: Failure to conduct weekly hand-gauged checks for hydrocarbons at the Sour Water Stripper Charge Level Tanks.

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)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 1A OP

Description: Failure to report a deviation in a timely manner.

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)
GENERAL TERMS AND CONDITIONS OP
SC 36A PERMIT

Description: Failure to conduct olfactory, visual and auditory checks for each shift at Sulfur Recovery Units 2, 3 and 4.

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
SC 1A OP

Description: Failure to report a deviation in a Semiannual Deviation Report.

F. Environmental audits:

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

Disclosure Date: 11/05/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)

- Description: Failure to perform primary seal gap measurements on external floating roof tanks every 5 years.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386 SC15
- Description: Failure to perform annual tank vapor recovery visual inspections.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
- Description: Failure to maintain monthly records of total solvent makeup for degreasers; amount brought in and amount evaporated.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC72
- Description: Failure to total MSS emissions on a 12 month rolling basis instead of a 12 month block basis.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC69
- Description: Failure to perform emissions cap calculations on quarterly basis to verify emissions did not exceed permit requirements or 12 month rolling average limits.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 8404, SC2F
- Description: Failure to calculate monthly tank VOC emissions for Permit 8404 tanks.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC7
- Description: Failure to maintain a list of vents subject to 30 TAC 111.111, and schedule Method 9 observations.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.105
Rqmt Prov: PERMIT 117.123(a)(b)(1) and (2)
- Description: Failure to comply with daily and 30-day rolling average NOx emission cap requirements.
Viol. Classification: Moderate
Rqmt Prov: PERMIT 117.123(e)
- Description: Failure to comply with Nox emission cap reporting requirements.
Disclosure Date: 01/15/2009
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
- Description: Failure to install locks on bypass valves on some benzene NESHAP carbon vessel systems.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
- Description: Failure to perform primary seal gap measurements on external floating roof tanks every 5 years.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386 SC15
- Description: Failure to perform annual tank vapor recovery visual inspections.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
- Description: Failure to maintain monthly records of total solvent makeup for degreasers; amount brought in and amount evaporated.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC72
- Description: Failure to total MSS emissions on a 12 month rolling basis instead of a 12 month block basis.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC69
- Description: Failure to perform emissions cap calculations on quarterly basis to verify emissions did not exceed permit requirements or 12 month rolling average limits.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 8404, SC2F
- Description: Failure to calculate monthly tank VOC emissions for Permit 8404 tanks.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT 01386, SC7

Description: Failure to maintain a list of vents subject to 30 TAC 111.111, and schedule Method 9 observations.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.105

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

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

Viol. Classification: Moderate

Rqmt Prov: PERMIT 117.123(e)

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

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

Disclosure Date: 11/08/2008

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC15

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC62 and SC69

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 8404 SC2F

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

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC 7

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

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

Disclosure Date: 03/10/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146

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

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

No DOV Associated

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

No DOV Associated

Notice of Intent Date: 12/09/2011 (980864)

No DOV Associated

Notice of Intent Date: 10/11/2012 (1051293)

No DOV Associated

Notice of Intent Date: 11/13/2012 (1058513)

No DOV Associated

G. Type of environmental management systems (EMSs):

1 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

**AGREED ORDER
DOCKET NO. 2012-0735-AIR-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("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 an oil refinery at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on January 24, 2012, TCEQ staff documented that the Respondent released 1,903.11 pounds ("lbs") of sulfur dioxide ("SO₂"), 157.68 lbs of carbon monoxide ("CO"), 151.95 lbs of volatile organic compounds ("VOC"), 30.93 lbs of nitrogen oxides ("NO_x"), and 20.73 lbs of hydrogen sulfide ("H₂S") from the Alkylation Unit Flare, the Hydrocracking Unit Flare, and the Hydrogen Treating Unit Flare during an avoidable emissions event (Incident No. 162709) that began on December 12, 2011 and lasted 45 minutes. The event occurred when the West Area Gas System sour gas knockout drum was being removed from service for inspection because of a high pressure drop across the drum. During the process of routing sour gases to another knockout drum, a valve that was inadvertently left closed caused a buildup of backpressure and led to emissions being flared. The TCEQ determined that this emissions event could have been avoided through better operational practices.
4. During a record review conducted on February 13, 2012, TCEQ staff documented that on February 2, 3, and 10, 2011, the Respondent exceeded the maximum allowable SO₂ hourly emissions rates of 0.34 pound/hour ("lb/hr") for Facility ID No. ("FIN") MPU4EXTHTR by 0.177 lb/hr for 28 hours, 1.64 lbs/hr for FIN MPU4ROHTR by 1.628 lbs/hr for 30 hours, 3.42 lbs/hr for FIN SCDHydro/SCHDS2 by 0.678 lb/hr for five hours, 1.49 lbs/hr for FIN SCHU1-5 by 0.858 lb/hr for 26 hours, 10.10 lbs/hr for FIN Boiler 33 by 1.717 lbs/hr for 20 hours, and 5.22 lbs/hr for FIN VPS4ATM3HT by 1.425 lbs/hr for 24 hours; resulting in the unauthorized release of 148.04 lbs of SO₂.
5. During a record review conducted on February 13, 2012, TCEQ staff documented that the Respondent exceeded the maximum allowable NO_x hourly emissions rate of 40.69 lbs/hr for six hours at Emissions Point No. ("EPN") SCR4-1 on January 12 and 13, 2011, resulting in the unauthorized release of 42.20 pounds of NO_x.
6. During a record review conducted on February 13, 2012, TCEQ documented that the Respondent exceeded the maximum allowable NO_x emissions rate of 3.15 tons per year ("tpy") at FIN MPU4EXTHTR from March through October 2010, and exceeded the maximum allowable VOC emissions rates of 2.5 tpy for FIN Boiler 29 by 1.23 tons, 2.3 tpy for FIN Boiler 32 by 1.5 tons, and 2.3 tpy for FIN Boiler 33 by 3.0 tons during every month in 2010; resulting in the unauthorized release of 1.76 tons of NO_x and 5.73 tons of VOC.
7. During a record review conducted on March 5, 2012, TCEQ staff documented that the Respondent released 7,765.78 lbs of SO₂, 30,214.39 lbs of CO, 24,897.12 lbs of VOC, 222.09 lbs of NO_x, and 182.07 lbs of H₂S from EPNs EFCCU1&2, FBSW, SFCCU3-2, EFCCU3, EHC2, EHTU, FPH27, and FCCU3 during an avoidable emissions event (Incident No. 164552) that began on February 7, 2012 and lasted 25 hours and 30 minutes. The event was the result of Transformer T3 tripping because it was operated above its base rating during a maintenance activity. The TCEQ determined that this emissions event could have been avoided through better operational practices.

8. The Respondent received notices of the violations on March 26, April 16, and April 23, 2012.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 10, 2011, installed pressure gauges to the amine towers for local monitoring, and instituted special monitoring for the remainder of the winter months;
 - b. By October 31, 2011, conducted training and instituted onsite sampling of the lean amine for H₂S content;
 - c. On January 26, 2012, revised bypass procedures and labeled valves and piping to prevent the recurrence of emissions events due to the same causes as Incident No. 162709;
 - d. By January 31, 2012, completed critical pressure indicating instrumentation revisions and began proactive critical pressure monitoring;
 - e. On February 10, 2012, increased the protective relaying settings to enable each transformer to assume the entire load of the other during switching or an unexpected failure of one of the transformers to prevent the recurrence of emissions events due to the same causes as Incident No. 164552;
 - f. By February 29, 2012, updated all calculations in the Distributive Control System to ensure compliance with the allowable annual NO_x emissions rates based on a rolling 12-month period at FIN MPU4EXTHTR, and the allowable annual VOC emissions rates based on a rolling 12-month period at FINs Boiler 29, Boiler 32, and Boiler 33; and
 - g. On August 21, 2012, obtained an amendment for Flexible Permit Nos. 8404 and PSDTX1062M1 to increase the maximum hourly firing rates to ensure compliance with the maximum allowable hourly emissions rate for NO_x at EPN SCRU4-1.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions Nos. 1 and 5, and Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16A. Since this emissions event could have been avoided through better

operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the maximum allowable SO₂ hourly emissions rates, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1, FOP No. O1386, GTC and STC No. 16A, and FOP No. O3387, GTC and STC 18.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the maximum allowable NO_x hourly emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, and FOP No. O1386, GTC and STC No. 16A.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with the maximum allowable annual NO_x and VOC emissions rates based on a rolling 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions No. 1, Permit Nos. 6056 and PSDTX1062M1, Special Conditions No. 1, and FOP No. O1386, GTC and STC Nos. 16A.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions Nos. 1 and 5, Permit Nos. 6056 and PSDTX1062M1, Special Conditions Nos. 1 and 5, FOP No. O3387, GTC and STC No. 18, and FOP No. O1386, GTC and STC No. 16A. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
7. 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.
8. An administrative penalty in the amount of One Hundred One Thousand Thirty-Eight Dollars (\$101,038) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Fifty Thousand Five Hundred Nineteen Dollars (\$50,519) of the administrative penalty. Fifty Thousand Five Hundred Nineteen Dollars (\$50,519) 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 One Hundred One Thousand Thirty-Eight Dollars (\$101,038) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2012-0735-AIR-E" to:

Financial Administration Division, Revenue Operations 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 8 above, Fifty Thousand Five Hundred Nineteen Dollars (\$50,519) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Permerson
For the Executive Director

10/21/13
Date

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

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

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

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

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

D Dick for Gess Williams
Signature

8/8/13
Date

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

ENGINEERING MANAGER
Title

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

Attachment A
Docket Number: 2012-0735-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC
Penalty Amount:	One Hundred One Thousand Thirty-Eight Dollars (\$101,038)
SEP Amount:	Fifty Thousand Five Hundred Nineteen Dollars (\$50,519)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for 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

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

Motiva Enterprises LLC
Agreed Order - Attachment A

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

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 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.