

Executive Summary – Enforcement Matter – Case No. 43863
Marathon Petroleum Company LP
RN100210608
Docket No. 2012-0685-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Marathon Petroleum - Texas City Refinery, 502 10th Street South, Texas City, Galveston County

Type of Operation:

Oil refinery

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,450

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$16,225

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$16,225

Name of SEP: Texas PTA - Texas PTA Clean School Buses

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2012-0685-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 2, 2011 through January 5, 2012

Date(s) of NOE(s): March 29, 2012

Violation Information

1. Failed to operate the flow meter for the T-301 Caustic Scrubber with less than 5% downtime [30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4); New Source Review Flexible Permit ("NSRFP") No. 22433, Special Conditions ("SC") No. 40; Federal Operating Permit ("FOP") No. O1380, Special Terms and Conditions ("STC") No. 24; and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to operate the SRU No. 1 and No. 2 TGIs with the required minimum firebox temperature and oxygen ("O₂") concentrations and failed to monitor or record O₂ concentrations [30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4); NSRFP No. 22433, SC No. 36; FOP No. O1380, STC No. 24; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Plant in order to monitor and record the O₂ concentration:

- a. On February 3, 2012, completed installation and operation of the O₂ probe on the SRU No. 1 TGI; and
- b. On June 12, 2012, completed installation and operation of the O₂ probe on the SRU No. 2 TGI.

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Within 180 days:
 - i. Replace or repair the flow meter for the T-301 Caustic Scrubber or amend NSRFP No. 22433 to remove or modify Special Conditions No. 40; and
 - ii. Implement improvements to designs, operations, and/or maintenance practices that address the causes leading to SRU No. 1 and No. 2 TGIs firebox temperature and O₂

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concentration excursions in order to prevent a recurrence of same or similar excursions.

b. Within 195 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

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

Respondent: Constance Bradley, Deputy Assistant Secretary, Marathon Petroleum Company LP, 502 10th Street South, Texas City, Texas 77590-8560

Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0685-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **Marathon Petroleum Company LP**

Penalty Amount: **Thirty-Two Thousand Four Hundred Fifty Dollars (\$32,450)**

SEP Offset Amount: **Sixteen Thousand Two Hundred Twenty-Five Dollars (\$16,225)**

Type of SEP: **Pre-approved**

Third-Party Recipient: **Texas PTA - *Texas PTA Clean School Buses***

Location of SEP: **Texas Air Quality Control Region 216 - Houston - Galveston**

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Director of Finance
Texas PTA
7600 Chevy Chase Drive
Building 2, Suite 300
Austin, Texas 78752

3. Records and Reporting

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

Marathon Petroleum Company LP
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a 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

TCEQ

DATES	Assigned	13-Feb-2012	Screening	26-Mar-2012	EPA Due	N/A
	PCW	18-Jul-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Marathon Petroleum Company LP
Reg. Ent. Ref. No.	RN100210608
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	43863	Order Type	Findings
Docket No.	2012-0685-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	145.0% Enhancement	Subtotals 2, 3, & 7
		\$15,950

Notes: Enhancement for four NOV's with same/similar violations, 21 NOV's with dissimilar violations, three agreed orders with denial of liability and one agreed order without a denial of liability. Reduction for two Notices of Intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	50.0% Enhancement*	Subtotal 6	\$5,500
Total EB Amounts	\$23,997	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$171,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,450
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$32,450
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$32,450
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$32,450
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Screening Date 26-Mar-2012

Docket No. 2012-0685-AIR-E

PCW

Respondent Marathon Petroleum Company LP

Policy Revision 2 (September 2002)

Case ID No. 43863

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>)	2	-2%
	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>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 145%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, 21 NOVs with dissimilar violations, three agreed orders with denial of liability and one agreed order without a denial of liability. Reduction for two Notices of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 145%

Screening Date 26-Mar-2012

Docket No. 2012-0685-AIR-E

PCW

Respondent Marathon Petroleum Company LP

Policy Revision 2 (September 2002)

Case ID No. 43863

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a) and 122.143(4), New Source Review Flexible Permit ("NSRFP") No. 22433, Special Conditions ("SC") No. 40; Federal Operating Permit ("FOP") No. O1380, Special Terms and Conditions ("STC") No. 24; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the flow meter for the T-301 Caustic Scrubber with less than five percent ("%") downtime based on operating hours. Specifically, during the certification period of May 24, 2010 through May 23, 2011, the scrubber operated for 8,736 hours. Total downtime hours for the flow meter during the same time period was 3,432 hours for a total downtime percentage of 39.28%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation. The Respondent estimated and maintained emission data during the downtime using engineering calculations.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 143

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,766

Violation Final Penalty Total \$2,950

This violation Final Assessed Penalty (adjusted for limits) \$2,950

Economic Benefit Worksheet

Respondent Marathon Petroleum Company LP

Case ID No. 43863

Reg. Ent. Reference No. RN100210608

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	\$5,000	24-May-2010	30-Nov-2012	2.52	\$42	\$841	\$883
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	24-May-2010	30-Nov-2012	2.52	\$42	\$841	\$883
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated costs for designing and installing a new flow meter to replace the one that failed. Date required is the date the violation was first documented and the final date is the estimated date of compliance.

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

\$10,000

TOTAL

\$1,766

Screening Date 26-Mar-2012

Docket No. 2012-0685-AIR-E

PCW

Respondent Marathon Petroleum Company LP

Policy Revision 2 (September 2002)

Case ID No. 43863

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100210608

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and 122.143(4); NSRFP No. 22433, SC No. 36; FOP No. O1380, STC No. 24; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the Sulfur Recovery Unit ("SRU") No. 1 and No. 2 Tail Gas Incinerators ("TGIs") with the required minimum firebox temperature and oxygen ("O2") concentrations and failed to monitor or record O2 concentrations. Specifically, the Respondent failed to operate the SRU No. 1 and No. 2 TGIs at or above the minimum firebox exit temperature of 1551.5 degrees Fahrenheit on a six-minute average on 48 occasions from June 10, 2010 through May 18, 2011 for a total of 16.84 hours; maintain the O2 concentration level of 3.6% on a six-minute average for the SRU No. 1 and/or No. 2 TGIs on 53 occasions from May 25, 2010 through December 26, 2010 for a total of approximately 93.1 hours; and monitor and record the O2 concentration of the No. 1 TGI from December 9, 2010 through May 23, 2011 and the No. 2 TGI from January 13, 2011 through May 23, 2011 due to faulty probes.

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

252 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$10,000

Four quarterly events are recommended from May 25, 2010 through May 23, 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22,231

Violation Final Penalty Total \$29,500

This violation Final Assessed Penalty (adjusted for limits) \$29,500

Economic Benefit Worksheet

Respondent Marathon Petroleum Company LP

Case ID No. 43863

Reg. Ent. Reference No. RN100210608

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$156,000	9-Dec-2010	30-Nov-2012	1.98	\$1,029	\$20,572	\$21,601
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)	\$5,000	25-May-2010	30-Nov-2012	2.52	\$630	n/a	\$630

Notes for DELAYED costs

The equipment cost is the cost of replacing the faulty O2 probes. Both probes have been installed but the O2 probe on the No. 2 TGI will not be operational until the next shutdown. Other Costs is the cost of taking additional measures to prevent the recurrence of failing to meet the minimum temperature and minimum O2 requirements. The Date required is the date the violation was first documented and the final date is the estimated date for completion of corrective actions.

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

\$161,000

TOTAL

\$22,231

Compliance History Report

Customer/Respondent/Owner-Operator:

CN600244933

Marathon Petroleum Company LP

Classification: AVERAGE

Rating: 3.13

Regulated Entity:

RN100210608

MARATHON PETROLEUM - TEXAS
CITY REFINERY

Classification: AVERAGE

Site Rating: 6.75

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0055R
AIR OPERATING PERMITS	PERMIT	1380
WASTEWATER	PERMIT	WQ0000990000
WASTEWATER	EPA ID	TX0003697
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008079501
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30326
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50046
AIR NEW SOURCE PERMITS	REGISTRATION	93528
AIR NEW SOURCE PERMITS	REGISTRATION	91759
AIR NEW SOURCE PERMITS	REGISTRATION	92191
AIR NEW SOURCE PERMITS	REGISTRATION	93353
AIR NEW SOURCE PERMITS	REGISTRATION	91954
AIR NEW SOURCE PERMITS	REGISTRATION	71874
AIR NEW SOURCE PERMITS	PERMIT	856
AIR NEW SOURCE PERMITS	PERMIT	1131
AIR NEW SOURCE PERMITS	PERMIT	8025
AIR NEW SOURCE PERMITS	PERMIT	22433
AIR NEW SOURCE PERMITS	REGISTRATION	23992
AIR NEW SOURCE PERMITS	REGISTRATION	25362
AIR NEW SOURCE PERMITS	REGISTRATION	24859
AIR NEW SOURCE PERMITS	REGISTRATION	25194
AIR NEW SOURCE PERMITS	REGISTRATION	29218
AIR NEW SOURCE PERMITS	REGISTRATION	30994
AIR NEW SOURCE PERMITS	REGISTRATION	30167
AIR NEW SOURCE PERMITS	REGISTRATION	33178
AIR NEW SOURCE PERMITS	REGISTRATION	40024
AIR NEW SOURCE PERMITS	REGISTRATION	43341
AIR NEW SOURCE PERMITS	REGISTRATION	44852
AIR NEW SOURCE PERMITS	REGISTRATION	46198
AIR NEW SOURCE PERMITS	REGISTRATION	46373
AIR NEW SOURCE PERMITS	REGISTRATION	48473
AIR NEW SOURCE PERMITS	REGISTRATION	49937
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0055R
AIR NEW SOURCE PERMITS	EPA ID	PSDTX241M1
AIR NEW SOURCE PERMITS	REGISTRATION	55858
AIR NEW SOURCE PERMITS	AFS NUM	4816700005
AIR NEW SOURCE PERMITS	REGISTRATION	55772
AIR NEW SOURCE PERMITS	REGISTRATION	71726
AIR NEW SOURCE PERMITS	REGISTRATION	73969
AIR NEW SOURCE PERMITS	REGISTRATION	73796
AIR NEW SOURCE PERMITS	REGISTRATION	74818
AIR NEW SOURCE PERMITS	REGISTRATION	76492
AIR NEW SOURCE PERMITS	REGISTRATION	77226
AIR NEW SOURCE PERMITS	REGISTRATION	80523
AIR NEW SOURCE PERMITS	REGISTRATION	83710
AIR NEW SOURCE PERMITS	REGISTRATION	94160
AIR NEW SOURCE PERMITS	REGISTRATION	95080
AIR NEW SOURCE PERMITS	REGISTRATION	91521
AIR NEW SOURCE PERMITS	REGISTRATION	91389
AIR NEW SOURCE PERMITS	REGISTRATION	95717
AIR NEW SOURCE PERMITS	REGISTRATION	95537
AIR NEW SOURCE PERMITS	PERMIT	98954
AIR NEW SOURCE PERMITS	REGISTRATION	91523
AIR NEW SOURCE PERMITS	REGISTRATION	92501
AIR NEW SOURCE PERMITS	REGISTRATION	96148
AIR NEW SOURCE PERMITS	REGISTRATION	99214
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30326
POLLUTION PREVENTION PLANNING	ID NUMBER	P00410
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0055R

Location: 502 10TH ST S, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 21, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 21, 2007 to March 21, 2012

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

Name: Miriam Hall Phone: (512) 239 - 1044

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 11/09/2007 ADMINORDER 2007-0392-AIR-E

Classification: Moderate

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

Rqmt Prov: Flex Permit 22433, Special Condition #1 PA

Description: Failure to prevent unauthorized emissions from slop tanks 513 and 520.

Classification: Minor

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

Description: Failure to include the permit number in the final report.

Classification: Moderate

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

Rqmt Prov: Flex Permit 22433, Special Condition 1 PA

Description: Failure to prevent unauthorized emissions from a tank roof.

Classification: Minor

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

Description: Failure to include the permit number in the reports.

Classification: Moderate

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

Rqmt Prov: Permit #22433, Special Condition #1 PA

Description: Failure to prevent the unauthorized emissions of HRVOC and VOC.

Classification: Minor

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

Description: Failure to include permit number in the final report.

Effective Date: 01/28/2010 ADMINORDER 2008-1709-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THSC Chapter 382 382.085(b)
Rqmt Prov: 22433 Special Condition 10(E) PERMIT
O-01380 Special Terms and Conditions 1A OP
O-01380 Special Terms and Conditions 21 OP

Description: Failure to seal open-ended lines with a cap, plug, blind flange, or a second valve. Specifically according to the operator's repair log, a drain valve, Tag No. 20058, in the UDEX Unit and a valve, Tag No. 090560, in the Platformer Unit were missing plugs on February 18, 2008 and March 28, 2008, respectively.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 Special Terms and Conditions 1A OP

Description: Failed to repair or empty and degass external floating roof tank No. 111 (containing gasoline) within 60 days of the discovery of pinhole leaks on the roof deck. The Respondent first discovered the roof corrosion during a tank inspection on December 20, 2006 and again on December 29, 2006. Also, on June 12 and December 5, 2007, the Respondent found product on the roof of the tank.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.546(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 S.T. and C. 8(A)(vi) OP

Description: Failed to maintain records of monitoring for carbon canister breakthrough during tank degassing in 2007 for tank Nos. 5 (containing pure benzene), 127 (regular gasoline), 152 (gasoline), and 516 (crude oil).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 Special Terms and Conditions 1A OP

Description: Failed to maintain vacuum breakers (automatic bleeder vents) on internal floating roof tank No. 164 (containing heavy naphtha) in a closed position during normal operation. Specifically, the vacuum breakers were noted as being stuck in the open position during the Respondent's tank inspection on December 27, 2006. The vacuum breakers were determined to be of poor design which prevented re-seating; however, they were not repaired until March 7, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380 Special Terms and Conditions 1A OP

Description: Failed to repair the tank floating roof primary seal, empty the tank, or request an extension for seal repair within 45 days of determining that the seal needed replacement on external floating roof tank No. 518 (containing crude oil). The Respondent was required to repair the seal, empty the tank, or request an extension by November 11, 2007. The primary seal was not replaced until February 25, 2008.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Terms and Conditions 21 OP

Description: Failed to maintain records to demonstrate compliance with the emission limits in 30 TEX. ADMIN. CODE §§ 106.263, and 106.4(a)(1)-(3). Specifically, ten planned maintenance, startup, and shutdown tank landing events occurred between January 5, 2007 and February 18, 2008. Records containing sufficient information to demonstrate compliance were not available when requested during the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to maintain records of design analysis for carbon canisters.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 12(E) OP

Description: Failed to maintain and operate Lift Station 26 carbon canisters in a manner consistent with good air pollution control practice for minimizing emissions. Specifically, monitoring records from January 2008 through May 2008 indicated benzene concentrations ranging from 100 up to 1,000 parts per million ("ppm") from the lead canisters and up to 999 ppm from the lag canisters.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to properly conduct monitoring of carbon canisters. Specifically, the Respondent failed to monitor the following on weekends and holidays: Lift Station 26 from January 1 through June 16, 2008 and the Wastewater Treatment NTO from May 3 through June 16, 2008. Also, per the Respondent's 40 CFR Part 61, Subpart FF third quarter report dated October 30, 2007, the monitoring technician was incorrectly monitoring the carbon canisters at Lift Station 26 from August 30 through October 24, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(b)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to monitor waste streams entering the Enhanced Biodegradation Unit (EBU) monthly as required. Specifically, the DNF effluent overflow from the DNF Effluent Tank periodically enters the EBU; however, the benzene concentration of this waste stream has not been monitored to demonstrate that the benzene concentration is less than 10 ppmw on a flow-weighted annual average basis. Also, during the month of September 2007, the concentration of the combined waste stream entering the EBU was not

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01380, Special Conditions 1(A) OP

Description: Failed to provide proper notification with each shipment of waste for offsite treatment. Specifically, portions of the shipments on January 31, 2007 and September 11, 2007 did not have the required documents sent with the shipments.

Effective Date: 12/25/2010

ADMINORDER 2010-0952-AIR-E

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits during an emissions event. Specifically, during an emissions event (Incident No. 136237) that began on February 22, 2010, the Respondent failed to prevent a heat exchanger plug from leaking, causing the unauthorized release of 536.6 lbs of propylene, 426.3 lbs of other VOCs, 149.4 lbs of sulfur dioxide, 1.6 lbs of hydrogen sulfide, 591.0 lbs of carbon monoxide, and 81.8 lbs of nitrous oxides from the Main Plant Flare and Propylene Unit.

See addendum for information regarding federal actions.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	04/09/2007	(542371)
2	04/30/2007	(542587)
3	02/05/2008	(553832)
4	04/11/2007	(554498)
5	05/23/2007	(560228)
6	03/23/2007	(575008)
7	04/23/2007	(575009)
8	05/23/2007	(575010)
9	06/25/2007	(575011)
10	07/23/2007	(575012)
11	08/22/2007	(601513)
12	09/24/2007	(601514)
13	03/13/2008	(614925)
14	01/28/2008	(616313)
15	10/23/2007	(619422)
16	11/26/2007	(619423)
17	12/27/2007	(619424)
18	09/08/2008	(636632)
19	04/24/2008	(637230)
20	04/24/2008	(637249)
21	04/04/2008	(638924)
22	05/14/2008	(640626)
23	04/11/2008	(641798)
24	02/22/2008	(671931)
25	03/24/2008	(671932)
26	01/18/2008	(671933)
27	07/01/2008	(684730)
28	08/07/2008	(686095)
29	01/09/2009	(686915)
30	08/20/2008	(689244)
31	04/22/2008	(689850)
32	05/22/2008	(689851)
33	06/24/2008	(689852)
34	05/06/2009	(703269)
35	07/22/2008	(710614)
36	08/25/2008	(710615)
37	09/25/2008	(710616)
38	10/22/2008	(727404)
39	11/24/2008	(727405)
40	12/29/2008	(727406)
41	03/13/2009	(735680)
42	04/22/2009	(737710)
43	06/23/2009	(737792)
44	05/28/2010	(739689)
45	04/10/2009	(739785)
46	08/12/2009	(740550)
47	08/31/2009	(747669)

48	07/10/2009	(749376)
49	02/23/2009	(750149)
50	03/23/2009	(750150)
51	12/20/2008	(750151)
52	01/22/2009	(750152)
53	02/02/2010	(767611)
54	04/22/2009	(768274)
55	11/12/2009	(776815)
56	10/23/2009	(779662)
57	01/06/2010	(782929)
58	12/04/2009	(783453)
59	01/05/2010	(785429)
60	01/26/2010	(789523)
61	06/03/2010	(790145)
62	03/05/2010	(792715)
63	03/31/2010	(793450)
64	03/17/2010	(794037)
65	03/22/2010	(794097)
66	05/24/2010	(795140)
67	05/14/2010	(796190)
68	05/26/2010	(797643)
69	04/19/2010	(798107)
70	04/16/2010	(799317)
71	05/26/2010	(800287)
72	06/11/2010	(800304)
73	05/17/2010	(801156)
74	02/19/2010	(804386)
75	05/22/2009	(804387)
76	06/23/2009	(804388)
77	07/22/2009	(804389)
78	08/24/2009	(804390)
79	09/22/2009	(804391)
80	10/22/2009	(804392)
81	11/23/2009	(804393)
82	12/22/2009	(804394)
83	01/22/2010	(804395)
84	07/07/2010	(824935)
85	11/01/2010	(828609)
86	08/11/2010	(829721)
87	03/19/2010	(830778)
88	04/22/2010	(830779)
89	05/21/2010	(830780)
90	08/11/2010	(842610)
91	10/07/2010	(844737)
92	06/17/2010	(846234)
93	09/10/2010	(849082)
94	01/03/2011	(858268)
95	07/22/2010	(860830)

96 10/26/2010 (864196)
 97 10/26/2010 (866062)
 98 08/16/2010 (866795)
 99 09/22/2010 (873867)
 100 10/21/2010 (881469)
 101 01/27/2011 (887307)
 102 12/15/2010 (887999)
 103 01/06/2011 (896198)
 104 06/10/2011 (900652)
 105 01/21/2011 (902272)
 106 08/08/2011 (908410)
 107 02/22/2011 (909047)
 108 05/27/2011 (915731)
 109 03/18/2011 (916309)
 110 04/21/2011 (924751)
 111 06/30/2011 (936242)
 112 05/23/2011 (937990)
 113 06/22/2011 (945314)
 114 02/09/2012 (952259)
 115 07/22/2011 (952589)
 116 12/08/2011 (958964)
 117 08/22/2011 (959271)
 118 09/21/2011 (965301)
 119 01/09/2012 (968690)
 120 10/13/2011 (971343)
 121 11/21/2011 (977501)
 122 12/16/2011 (984268)
 123 01/23/2012 (990569)

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

Date: 02/06/2008 (553832) CN600244933
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
 FOP O-01380 SC 21 OP
 NSR Permit 22433 SC 7 PA
 Description: Failure to monitor components in VOC service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380 SC 21 OP
 NSR Permit 22433 SC 7E PA
 Description: Failure to maintain a seal on open ended lines.
 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)
 FOP O-1380 SC 21 OP
 NSR Permit 22433 SC 3 PA
 Description: Failure to sample cooling towers on a monthly basis.

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)
 FOP O-01380 SC 21 OP
 NSR Permit 22433 SC 39A PA
 Description: Failure to maintain H2S concentrations within limits.

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)
 FOP O-01380 SC21 OP
 NSR Permit 22433 SC 39E PA
 Description: Failure to maintain CO emissions within emission limits.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(A)
 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to calibrate flow and temperature monitors in HRVOC service.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(3)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380 SC 17 OP
 Description: Failure to calibrate fugitive monitoring equipment with certified gases.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380 SC 21 OP
 NSR Permit 22433 SC 24E PA
 Description: Failure to submit stack test report within 30 days.

Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(10)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to record changes in carbon canisters.

Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.145(b)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit notification of intent to demolish asbestos.

Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to change out carbon canisters immediately after breakthrough.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380 GC OP
 Description: Failure to report all instances of deviations within required time frame.
 Date: 04/24/2008 (637230) CN600244933

Self Report? NO Classification: Minor
 Citation: 22433 Special condition # 21E PERMIT
 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to submit compliance report within 60 days after sampling is completed
 Date: 07/31/2008 (710615) CN600244933

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/07/2008 (686095) CN600244933

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT

Description: Failure to prevent toluene leak in the underground pipeline.
 Date: 08/20/2008 (689244) CN600244933
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition #1 PERMIT

Description: Failure to prevent hydrocarbon leak near the base of Tank 112.
 Date: 09/30/2008 (727404) CN600244933
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 02/28/2009 (750150) CN600244933
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 05/04/2009 (703269) CN600244933
 Self Report? NO Classification: Minor
 Citation: 22433, Special Condition 10F PERMIT
 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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380, ST&C 1A OP
 FOP O-01380, ST&C 21 OP

Description: Failure to maintain with a cap or plug 108 open-ended valves/lines (UNIT ID REF-FUG) that were discovered from May 24, 2007 through May 23, 2008.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380, ST&C 1A OP

Description: Failure to perform the quarterly H2S sampling event of the Merox section for the third quarter of 2007 as required by the EPA-approved Alternative Monitoring Plan, dated December 22, 2004.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380, ST&C 21 OP

Description: Failure to submit the two permit amendments for Title V Permit O-01380.
 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)
 FOP O-01380, General Terms & Conditions OP

Description: Failure to include all deviations in the previous deviation report dated December 21, 2007.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(8)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380, ST&C 1A OP

Description: Failure to document repairs in regards to bolts missing on an access hatch on Tank 16 (Unit ID T16).
 Self Report? NO Classification: Minor
 Citation: 22433, Special Condition 3 PERMIT
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(c)
 5C THSC Chapter 382 382.085(b)
 FOP O-01380, ST&C 1A OP

FOP O-01380, ST&C 21 OP

Description: Failure to repair the manway cover on the dissolved nitrogen flotation system within 15 days.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 2 PERMIT
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 60.7(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 21 OP

Description: Failure to submit the required construction notification within 30 days of beginning construction of a new maintenance building.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 2 PERMIT
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 60.7(a)(4)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 21 OP

Description: Failure to submit the required notification in relation to the construction of an equipment clean-out sump that was deemed applicable to 40 CFR 60, Subpart QQQ and was part of a new maintenance building.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 46 PERMIT
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 O-01388, ST&C 21 OP

Description: Failure to route sulfur plant emissions to the FCCU Scrubber for approximately 9 hours on April 24, 2008 when the SRU caustic scrubber was inoperable or unavailable.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 26B PERMIT
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 O-01380, ST&C 21 OP

Description: Failure to perform four cylinder gas audits using the required calibration gases as required by 40 CFR 60, Appendix B.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 10F PERMIT
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 21 OP

Description: Failure to monitor 13 new valves (Unit ID REF-FUG) that were not included in the LDAR monitoring program from November 24, 2007 through May 23, 2008.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 1G(v) OP

Description: Failure to repair one Highly Reactive Volatile Organic Compound (HRVOC) service valve (Unit ID REF-FUG) within seven calendar days.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 40 PERMIT
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)

Description: FOP O-01380, ST&C 21 OP
Failure to operate the SRU Tailgas Incinerator at the minimum required temperature of 1551.5 degrees Fahrenheit for 148 six minute periods from November 24, 2007 through May 23, 2008.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 2 PERMIT
22433, Special Condition 5A PERMIT
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)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 21 OP

Description: Failure to maintain a minimum net heating value of 300 Btu/scf, relating to the P-1 flare, for one-one hour period on January 22, 2008 from 2100 through 2200 hours.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 13 PERMIT
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 O-01380, ST&C 21 OP

Description: Failure to maintain in operating condition a level detection device on the rich amine flash drum (located in the Amine Recovery unit) when the amine/hydrocarbon level drops below the minimum set point of 35 percent.

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 2 PERMIT
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 60.695(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP

Description: Failure to monitor two carbon canisters for VOC emissions which is a violation of 40 CFR 60.695(a)(3)(ii). (CATEGORY C1 VIOLATION)

Self Report? NO Classification: Minor

Citation: 22433, Special Condition 3 PERMIT
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 61.349(a)(1)(i)
5C THSC Chapter 382 382.085(b)
FOP O-01380, ST&C 1A OP
FOP O-01380, ST&C 21 OP

Description: Failure to operate 2 carbon canisters with no detectable emissions above 500 ppm above background per 40 CFR 61.349(a)(1)(i). (CATEGORY C1 VIOLATION)

Date: 07/10/2009 (749376) CN600244933

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(2)
5C THSC Chapter 382 382.085(b)

Description: Refinery failed to collect manual samples during the 8 day period from December 8 - 16, 2008.

Date: 08/31/2009 (747669) CN600244933

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
5C THSC Chapter 382 382.085(b)
Special Condition 10F PA

Description: Failure to adequately identify leaking components (Leak Detection and Repair) program. CATEGORY B19g(4).

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to seal open-ended line. CATEGORY C 10.

Date: 08/31/2009 (804391) CN600244933

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2009 (804395) CN600244933
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 01/06/2010 (782929) CN600244933
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 5C THSC Chapter 382 382.085(b)

Description: Failed to report CO and NOX in final report
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 1 OP

Description: Failed to prevent an unauthorized emissions.
 Date: 02/02/2010 (767611) CN600244933
 Self Report? NO Classification: Minor
 Citation: 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)
 Special Condition 5B PERMIT
 Special Term and Condition 21 OP

Description: Failure to maintain flare pilot lights (CATEGORY C4 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(i)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP

Description: Failure to maintain H2S concentration in fuel gas resulting in exceedance of 160 ppm.
 (CATEGORY B18 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 21 OP

Description: Failure to maintain with a cap or plug 18 open end lines. (CATEGORY C10 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter C 122.210(a)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 21 OP

Description: Failure to submit revisions to Title V permit. (CATEGORY B3 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18(c)(4)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5A PERMIT
 Special Term and Condition 21 OP

Description: Failure to maintain header flow on P-1 (EPN ES16). (CATEGORY C4 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 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)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5C PERMIT

Special Term and Condition 21 OP
Description: Failure to maintain flare resulting in opacity. (CATEGORY C4 violation)
Self Report? NO Classification: Minor
Citation: 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)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 5A PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain a minimum of 300 BTU/scf on P-1 (EPN ES16). (CATEGORY C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to perform annual calibration test of flow transmitter. (CATEGORY C1 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Part 63, Subpart G 63.119(c)(2)(x)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failed to maintain the float in the guide pole on Tanks T121 and T166. (CATEGORY C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain daily flare opacity observations records. (CATEGORY C3 violation)
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)
Special Condition 5D PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain HRVOC analyzer resulting in great than 5% downtime. (CATEGORY B18 violation)
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)
Special Condition 40 PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain the SRU stack flow analyzer resulting in greater than 5% downtime. (CATEGORY B18 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter X 106.532
30 TAC Chapter 106, SubChapter X 106.533(g)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21 OP

Description: Failure to maintain a temperature of at least 1400 degrees F within the wastewater thermal oxidizer (EPN 27-H-0004). (CATEGORY C4 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain the minimum limits in the FCCU AMP for the FM Recycle pump, the Cyclolab, and the Spray Tower Recirculation. (CATEGORY B18 violation)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(b)(3)(iii)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to sample the Acid Relief Neutralizer when the caustic was above 90% spent.
(CATEGORY B1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the PCC report within 30 days of the end of the compliance period.
(CATEGORY B3 violation)

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

Description: Failure to submit the deviation report within 30 days of the end of the compliance period.
(CATEGORY B3 violation)

Date: 04/20/2010 (798107) CN600244933

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)
Special Condition 36 PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain minimum temperature and minimum O2 concentration on SRU#1 and
2. (CATEGORY B18 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to perform the H2S sampling event of the Merox foul air system as required by
the EPA-approved Alternative Monitoring Plan (AMP). (CATEGORY B1 violation)

Self Report? NO Classification: Minor
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)
Special Condition 34 PERMIT
Special Term and Condition 21 OP

Description: Failure to maintain SRU recovery efficiency of 99.8%. (CATEGORY C4 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145
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 all deviations occurring in a deviation reporting period. (CATEGORY
B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit accurate and complete deviation reports for the compliance period
05/24/2008 through 05/23/2009. (CATEGORY B18 violation)

Date: 05/14/2010 (796190) CN600244933

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions due to the heat pump seal leak.

Date: 05/26/2010 (797643) CN600244933

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 1 PERMIT
Description: Marathon failed to prevent high pressure in the Surge Drum.
Date: 06/30/2010 (860830) CN600244933
Self Report? YES **Classification:** Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 10/07/2010 (844737) CN600244933
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, Marathon failed to prevent the primary seal on reflux pump (95J-719) from failing.
Date: 01/05/2011 (858268) CN600244933
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
 40 CFR Part 63, Subpart G 63.119(c)(2)(x)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions 1A OP
Description: Failure to maintain the float in the guide pole of Tank 166 (EPN: 166) and a gasket on the gauge float hatch of Tank 111 (EPN: 111). The float in the guide pole was not maintained from September 24, 2009 through October 28, 2009 and the gasket on the gauge float hatch was missing from June 9, 2009 through July 22, 2009. (Category C4)
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
 40 CFR Part 63, Subpart G 63.119(c)(2)(xi)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Condition 1A OP
Description: Failure to maintain a gasket on the sample hatch of Tank 16 (EPN: 16) from September 28, 2009 through October 15, 2009. (Category C4)
Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Condition 1A OP
Description: Failure to maintain daily flare opacity observations records for the Alkylation Unit Flare (EPN: ES 16) and Refinery Plant Flare (EPN: ES 17) on numerous occasions during the reporting period of May 24, 2009 through May 23, 2010. (Category C4)
Self Report? NO **Classification:** Minor

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)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5B PA
 Special Terms & Conditions 1A & 21 OP
Description: Failure to maintain a constant flare pilot flame for the Alkylation Unit Flare (EPN: ES 16) and Refinery Plant Flare (EPN: ES 17). (Category C4)
Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PA
 Special Terms & Conditions 1A & 21 OP
Description: Failure to seal seventeen open ended lines with a cap, plug, blind flange, or second valve. (Category C10)
Self Report? NO **Classification:** Minor

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

30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
Description: Failure to maintain the Alkylation Unit Flare (EPN: ES 16) HRVOC flow meter resulting in greater than 1% downtime during the period of August 28, 2009 through November 23, 2009. (Category B18)

Self Report? NO **Classification:** Minor
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)
 Special Condition 36 PA
 Special Terms & Conditions 1A & 21 OP

Description: Failure to maintain the minimum firebox exit temperature of the SRU #1and #2. Additionally, Marathon Petroleum Company failed to maintain the minimum firebox O2 concentration not less than 3.0 %. (Category B18)

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(e)(3)(i)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to maintain the H2S concentration in the fuel gas resulting in the exceedance of the 162 ppm limit on June 16, 2009 and November 20, 2009. (Category B18)

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)
 Special Condition 5D PA
 Special Term & Condition 21 OP

Description: Failure to maintain the Refinery Plant Flare HRVOC GC Analyzer resulting in greater than 5% downtime during a rolling 12-month period. (Category B18)

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)
 Special Condition 40 PA
 Special Term & Condition 21 OP

Description: Failure to maintain the SRU stack flow analyzer resulting in greater than 5% downtime during a rolling 12-month period. (Category B18)

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to conduct a CO span within 0-100 ppm limits on August 18, 2009 during a quarterly cylinder gas audit performance test on the Entec Heater. (Category C1)

Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(A)
 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(B)
 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(C)
 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to perform annual calibration tests of flow, temperature, and pressure transmitters to the Alkylation Unit Flare (EPN: ES16) and the Refinery Plant Flare (EPN: ES17) in a timely manner and failure to perform annual calibration test of flow transmitters to Cooling Tower No. 7 (EPN: ES87) and Cooling Tower No. 8 (EPN: ES88) on June 4, 2009. (Category C1)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(b)(3)(iii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to sample the Acid Relief Neutralizer on August 7, 2009 and October 28,

2009 when the caustic was above 90%. (Category B1)

Self Report? NO Classification: Minor

Citation: 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)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 5A PA
Special Terms & Conditions 1A & 21 OP

Description: Failure to maintain the minimum net heating value of 300 BTU/scf for the Alkylation Unit Flare and Refinery Plant Flare. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 5A PA
Special Terms & Conditions 1A & 21 OP

Description: Failure to maintain the exit velocity of the Alkylation Flare (EPN: ES 16) and Refinery Plant Flare (EPN: ES 17) at less than 60 ft/second. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
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)
Special Condition 10E PA
Special Terms & Conditions 1A & 21 OP

Description: Failure to remonitor or inspect 25 connectors within 30 days of startup during the period of May 24, 2009 through November 23, 2009. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
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)
Special Condition 10G PA
Special Terms & Conditions 1A & 21 OP

Description: Failure to tag and monitor the Rich Amine Hydrocarbon Pump (85J-1106) and the Sour Water Hydrocarbon Pump (86J-1209) during the period of November 24, 2009 through December 15, 2009. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(B)
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)
Special Condition 10H PA
Special Terms & Conditions 1A & 21 OP

Description: Failure to repair and remove a pump from service within 15 days upon discovery of a leak on March 27, 2009 to March 28, 2009. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(v)
40 CFR Part 63, Subpart G 63.119(c)(2)(iii)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to prevent the landing of floating roof Tank 531 on November 21, 2009 to November 22, 2009. (Category C4)

Self Report? NO Classification: Minor

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)
Special Condition 12A PA
Special Term & Condition 21 OP

Description: Failure to maintain audio, visual, and olfactory inspection records for H2S leaks on 01/07/2010, 01/08/2010, 01/10/2010, 01/13/2010, 03/01/2010, 03/03/2010, 04/15/2010, and 04/16/2010. (Category C3)

Self Report? NO Classification: Minor

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)
 Special Condition 29A PA
 Special Term & Condition 21 OP
 Description: Failure to maintain audio, visual, and olfactory inspection records for Hydrogen Fluoride (HF) leaks on twenty-five occasions during the period of December 6, 2009 through May 21, 2010. (Category C3)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to conduct a quarterly visible emissions test on the FCCU Air Preheater and Regeneration Stack (EPN: ES 12) during the period of January 1, 2010 to March 31, 2010. (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions 1A & 9E OP
 Description: Failure to conduct NOx emission testing on twelve internal combustion engines. (Category B1)

Date: 03/31/2011 (924751) CN600244933

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2011 (945314) CN600244933

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2011 (952589) CN600244933

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2011 (977501) CN600244933

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/10/2012 (952259) CN600244933

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1E OP
 Description: Failure to include Nitrogen Oxide (NOx) emissions from a temporary compressor (Unit ID DOCKCOMP) in the ECT-1 Annual Report. (Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 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)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5A PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 24 OP
 Description: Failure to operate the Alky Flare & Main Flare (EPNs: ES-16 & ES-17) with a net heating value at or above 300 British Thermal Units per standard cubic foot (Btu/scf). (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 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)
Special Condition 5B PERMIT
Special Term & Condition 1A OP
Special Term & Condition 24 OP
Description: Failure to operate the Main Plant Flare with a continuously lit pilot light. (Category C4 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Special Term & Condition 22 OP
Description: Failure to submit a registration to claim PBR 106.262 within 10 days of installation or modification of refinery fugitive components (EPN: REF-FUG). (Category B9 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 10E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 24 OP
Description: Failure to cap or seal 38 open-ended lines in VOC service. (Category C10 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)(ii)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to classify eight valves (Unit ID REF-FUG) as difficult to monitor components. (Category C4 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(h)(1)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to classify two valves (Unit ID REF-FUG) as unsafe to monitor components. (Category C4 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.222(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit an updated Registration of Emissions. (Category B3 Violation).

Self Report? NO Classification: Minor
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)
Special Condition 36 PERMIT
Special Term & Condition 24 OP
Description: Failure to operate the SRU caustic scrubber with a scrubber solution at or above the minimum pH of 6. (Category C4 Violation).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.711(13)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 24 OP
Description: Failure to represent Tank 6 (EPN: 6) in Flexible Air Permit 22433 from March 2, 2006 through April 12, 2011. (Category B3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(B)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to operate Tanks 122, 188, and 207 without open hatches or other openings.
 (Category C4 Violation).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(A)
 30 TAC Chapter 115, SubChapter H 115.725(d)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1G(iv) OP
 Description: Failure to calibrate the pressure and temperature transmitters for the the Alky and Plant
 flares. (Category C1 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.102a(g)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to limit the hydrogen sulfide (H2S) content of hydrogen gas to the Main Flare
 (Unit ID: P-200) to the three hour rolling average of 162 parts per million (ppm).
 (Category C4 Violation).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to operate Tank 134 without roof landings. (Category B19.g.1 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to include all deviations in the deviation report. (Category B3 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter H 117.9020(2)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1G OP
 Description: Failure to perform NOx emissions testing to one small diesel engine (Unit ID
 DOCKCOMP). (Category C1 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 24 OP
 Description: Failure to monitor or inspect four connectors within 30 days of start-up. (Category C4
 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter D 115.356(2)
 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 H 63.168(d)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10F PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 24 OP
 Description: Failure to monitor 10 valves in Volatile Organic Compound (VOC) Service. (Category C4
 Violation)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter B 117.340(p)(2)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 24 OP
Description: Failure to submit timely stack test reports within 60 days following emissions testing.
(Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(F)
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 W 61.271(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 24 OP
Description: Failure to operate Tank 82 (Unit ID: T82) with a continuous secondary seal. (Category B18 Violation)

F. Environmental audits.

Notice of Intent Date: 09/09/2008 (704668)
No DOV Associated

Notice of Intent Date: 09/01/2009 (775875)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: MARATHON PETROLEUM - TEXAS CITY R

Reg Entity Add: 1320 LOOP 197 S.

Reg Entity City: TEXAS CITY

Reg Entity No: RN100210608

Customer Name: Marathon Petroleum Company

Customer No: CN600244933

EPA Case No: 06-2011-3318

Order Issue Date (yyyymmdd): 20110622

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 110

Classification: Minor

Program: State Implementation Pla

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARATHON PETROLEUM
COMPANY LP
RN100210608

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

AGREED ORDER
DOCKET NO. 2012-0685-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 Marathon Petroleum Company LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates an oil refinery at 502 10th Street South in Texas City, Galveston 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 on December 2, 2011 through January 5, 2012, TCEQ staff documented that the Respondent failed to operate the flow meter for the T-301 Caustic Scrubber with less than five percent ("%") downtime based on operating hours. Specifically, during the certification period of May 24, 2010 through May 23, 2011, the scrubber operated for 8,736 hours. Total downtime hours for the flow meter during the same time period was 3,432 hours for a total downtime percentage of 39.28%.
4. During a record review on December 2, 2011 through January 5, 2012, TCEQ staff documented that the Respondent failed to operate the Sulfur Recovery Unit ("SRU") No. 1 and No. 2 Tail Gas Incinerators ("TGIs") with the required minimum firebox temperature and oxygen ("O₂") concentrations and failure to monitor or record O₂ concentrations. Specifically, the Respondent failed to:
 - a. Operate the SRU No. 1 and No. 2 TGIs at or above the minimum firebox exit temperature of 1551.5 degrees Fahrenheit on a six-minute average on 48 occasions from June 10, 2010 through May 18, 2011 for a total of 16.84 hours;
 - b. Maintain the O₂ concentration level of 3.6% on a six-minute average for the SRU No. 1 and/or No. 2 TGIs on 53 occasions from May 25, 2010 through December 26, 2010 for a total of approximately 93.1 hours; and
 - c. Monitor and record the O₂ concentration of the No. 1 TGI from December 9, 2010 through May 23, 2011 and the No. 2 TGI from January 13, 2011 through May 23, 2011 due to faulty probes.
5. The Respondent received notice of the violations on April 3, 2012.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant in order to monitor and record the O₂ concentration:
 - a. On February 3, 2012, completed installation and operation of the O₂ probe on the SRU No. 1 TGI; and
 - b. On June 12, 2012, completed installation and operation of the O₂ probe on the SRU No. 2 TGI.

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 operate the flow meter for the T-301 Caustic Scrubber with less than 5% downtime, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4); New Source Review Flexible Permit ("NSRFP") No. 22433, Special Conditions ("SC") No. 40; Federal Operating Permit ("FOP") No. 01380, Special Terms and Conditions ("STC") No. 24; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to operate the SRU No. 1 and No. 2 TGIs with the required minimum firebox temperature and O₂ concentrations and failed to monitor or record O₂ concentrations, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4); NSRFP No. 22433, SC No. 36; FOP No. 01380, STC No. 24; and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Thirty-Two Thousand Four Hundred Fifty Dollars (\$32,450) 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 Sixteen Thousand Two Hundred Twenty-Five Dollars (\$16,225) of the administrative penalty. Sixteen Thousand Two Hundred Twenty-Five Dollars (\$16,225) shall be conditionally offset by 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 Thirty-Two Thousand Four Hundred Fifty Dollars (\$32,450) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Marathon Petroleum Company LP, Docket No. 2012-0685-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Sixteen Thousand Two Hundred Twenty-Five Dollars (\$16,225) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order:
 - i. Replace or repair the flow meter for the T-301 Caustic Scrubber or amend NSRFP No. 22433 to remove or modify Special Conditions No. 40; and
 - ii. Implement improvements to designs, operations, and/or maintenance practices that address the causes leading to SRU No. 1 and No. 2 TGIs firebox temperature and O₂ concentration excursions in order to prevent a recurrence of same or similar excursions.
 - b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela J. ...
For the Executive Director

1/18/13
Date

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

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

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

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

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

C Bradley
Signature

9/6/12
Date

Constance Bradley
Name (Printed or typed)
Authorized Representative of
Marathon Petroleum Company LP

Deputy Asst Secretary
Title

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

Attachment A
Docket Number: 2012-0685-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Marathon Petroleum Company LP

Penalty Amount: Thirty-Two Thousand Four Hundred Fifty Dollars (\$32,450)

SEP Offset Amount: Sixteen Thousand Two Hundred Twenty-Five Dollars (\$16,225)

Type of SEP: Pre-approved

Third-Party Recipient: Texas PTA - *Texas PTA Clean School Buses*

Location of SEP: Texas Air Quality Control Region 216 - Houston - Galveston

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

Marathon Petroleum Company LP
Agreed Order - Attachment A

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

Director of Finance
Texas PTA
7600 Chevy Chase Drive
Building 2, Suite 300
Austin, Texas 78752

3. Records and Reporting

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

Marathon Petroleum Company LP
Agreed Order - Attachment A

In the event of incomplete performance, Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.