

**Executive Summary – Enforcement Matter – Case No. 44987
Houston Refining LP
RN100218130
Docket No. 2012-2037-IWD-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Houston Refining, 12000 Lawndale Avenue, Houston, Harris County

Type of Operation:

Integrated petroleum refinery with an associated wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes: pending cases, docket numbers undetermined

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 15, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,500

Amount Deferred for Expedited Settlement: \$4,500

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$9,000

Name of SEP: City of Pasadena

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

**Executive Summary – Enforcement Matter – Case No. 44987
Houston Refining LP
RN100218130
Docket No. 2012-2037-IWD-E**

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 22, 2012

Date(s) of NOE(s): August 30, 2012

Violation Information

Failed to comply with permitted effluent limitations at Outfalls 001 and 003. Specifically, Respondent reported zinc daily maximum effluent concentrations of 0.79 milligrams per liter ("mg/L") during October 2011 from Outfall 001, and 0.89 mg/L during January 2012 and 1.71 mg/L during May 2012 from Outfall 003 that exceeded the 0.51 mg/L permitted effluent limitations [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000392000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 003].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

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, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000392000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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

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RN100218130
Docket No. 2012-2037-IWD-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

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

Respondent: Todd Monette, Refinery Manager, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252

Kevin W. Brown, Senior Vice President, Houston Refining LP, P.O. Box 2451, Houston, Texas 77252

Respondent's Attorney: Jason Van Loo, Attorney, LyondellBassell Industries, P.O. Box 2451, Houston, Texas 77252

Attachment A
Docket Number: 2012-2037-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Houston Refining LP
Penalty Amount:	Eighteen Thousand Dollars (\$18,000)
SEP Offset Amount:	Nine Thousand Dollars (\$9,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	City of Pasadena
Project Name:	<i>Capture Gate on Preston</i>
Location of SEP:	Harris County

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 SEP Offset Amount is set forth above and such offset 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 the **City of Pasadena** for the *Capture Gate on Preston* SEP. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to design and install a gate (“the Gate”) to trap floatable debris, trash, and oil that will be removed from the stream before flowing into Armand Bayou and Galveston Bay. The Third-Party Recipient shall use the SEP Offset Amount to pay a contractor to design, fabricate, install and maintain the Gate which will be located in the Preston Avenue median ditch between Fairmont Parkway and Crenshaw Road in Pasadena, Texas. The Gate will be designed to remove debris, but not cause flooding.

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 performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This project will benefit water quality by preventing and reducing the amount of pollution reaching Armand Bayou and Galveston Bay.

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 shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to the **City of Pasadena SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Pasadena
Daya Dayananda, Assistant Director of Public Works
1114 Davis Street
Pasadena, Texas 77506

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 due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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 Offset Amount 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned PCW	10-Sep-2012	Screening	17-Sep-2012	EPA Due	5-Sep-2012
	26-Nov-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Houston Refining LP		
Reg. Ent. Ref. No.	RN100218130		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44987	No. of Violations	1
Docket No.	2012-2037-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3

Admin. Penalty \$ Limit Minimum Maximum

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: Enhancement for three months of self-reported effluent violations, one NOV with same/similar violations, five NOVs with dissimilar violations, four orders without a denial of liability, and 11 orders with denial of liability. Reductions for three notices of intent to conduct an audit and four disclosures of violations.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 17-Sep-2012

Docket No. 2012-2037-IWD-E

PCW

Respondent Houston Refining LP

Policy Revision 3 (September 2011)

Case ID No. 44987

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100218130

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

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	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	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	4	100%
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>)	3	-3%
	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>)	4	-8%

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) 339%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations, one NOV with same/similar violations, five NOVs with dissimilar violations, four orders without a denial of liability, and 11 orders with denial of liability. Reductions for three notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 339%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 17-Sep-2012

Docket No. 2012-2037-IWD-E

PCW

Respondent Houston Refining LP

Policy Revision 3 (September 2011)

Case ID No. 44987

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100218130

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000392000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 003

Violation Description Failed to comply with permitted effluent limitations at Outfall Nos. 001 and 003, as documented during a record review conducted on August 22, 2012. Specifically, the Respondent reported zinc daily maximum effluent concentrations of 0.79 milligrams per liter ("mg/L") during October 2011 that exceeded the 0.51 mg/L permitted effluent limitation at Outfall No. 001 and 0.89 mg/L during January 2012 and 1.71 mg/L during May 2012 that exceeded the 0.51 mg/L permitted effluent limitation at Outfall No. 003.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 93

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

Violation Base Penalty \$11,250

Three quarterly events are recommended for the months of October 2011 and January and May 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$301

Violation Final Penalty Total \$22,500

This violation Final Assessed Penalty (adjusted for limits) \$22,500

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 44987
Reg. Ent. Reference No. RN100218130
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Oct-2011	7-Jun-2012	0.60	\$301	n/a	\$301

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and take necessary corrective actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. The final date is the expected 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

\$301

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN601313083, RN100218130, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN601313083, Houston Refining LP **Classification:** SATISFACTORY **Rating:** 28.33

Regulated Entity: RN100218130, HOUSTON REFINING **Classification:** SATISFACTORY **Rating:** 28.33

Complexity Points: 40 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 12000 LAWNSDALE AVENUE, HOUSTON, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0048L

POLLUTION PREVENTION PLANNING ID NUMBER
P00404

AIR NEW SOURCE PERMITS PERMIT 2167

AIR NEW SOURCE PERMITS REGISTRATION 55719

AIR NEW SOURCE PERMITS EPA ID PSDTX985

AIR NEW SOURCE PERMITS REGISTRATION 46595

AIR NEW SOURCE PERMITS REGISTRATION 87937

AIR NEW SOURCE PERMITS REGISTRATION 95583

AIR NEW SOURCE PERMITS REGISTRATION 102445

AIR NEW SOURCE PERMITS REGISTRATION 102539

AIR NEW SOURCE PERMITS REGISTRATION 102500

AIR NEW SOURCE PERMITS REGISTRATION 102533

AIR NEW SOURCE PERMITS REGISTRATION 102526

AIR NEW SOURCE PERMITS REGISTRATION 102448

AIR NEW SOURCE PERMITS REGISTRATION 102523

AIR NEW SOURCE PERMITS REGISTRATION 102540

AIR NEW SOURCE PERMITS REGISTRATION 102531

AIR NEW SOURCE PERMITS REGISTRATION 102511

WASTEWATER PERMIT WQ0000392000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011570

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50106

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30092

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0048L

AIR OPERATING PERMITS PERMIT 1372

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 78219

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0048L

AIR NEW SOURCE PERMITS AFS NUM 4820100040

AIR NEW SOURCE PERMITS REGISTRATION 43445

AIR NEW SOURCE PERMITS REGISTRATION 86815

AIR NEW SOURCE PERMITS REGISTRATION 92373

AIR NEW SOURCE PERMITS REGISTRATION 101633

AIR NEW SOURCE PERMITS REGISTRATION 102528

AIR NEW SOURCE PERMITS REGISTRATION 101897

AIR NEW SOURCE PERMITS REGISTRATION 102525

AIR NEW SOURCE PERMITS REGISTRATION 102524

AIR NEW SOURCE PERMITS REGISTRATION 102538

AIR NEW SOURCE PERMITS REGISTRATION 102537

AIR NEW SOURCE PERMITS REGISTRATION 102446

AIR NEW SOURCE PERMITS REGISTRATION 102521

AIR NEW SOURCE PERMITS REGISTRATION 102522

AIR NEW SOURCE PERMITS REGISTRATION 102512

WASTEWATER EPA ID TX0003247

WATER LICENSING LICENSE 1011570

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD082688979

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30092

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 09, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 09, 2007 to October 09, 2012

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

Name: Jill Russell

Phone: (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If YES for #2, who is the current owner/operator? Houston Refining LP OWNER OPERATOR since 10/4/1979
Arco Pipe Line Company OWNER OPERATOR since 8/27/2003
Houston Refining LP OPERATOR since 5/8/2006
ARCO PETROLEUM PRODUCTS CO OWNER since 3/3/1997
A. J. Hurt, Jr., Incorporated OWNER since 4/1/2010
Lyondell-Citgo Refining Company Ltd. OWNER OPERATOR since 4/30/2012
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? A. J. Hurt, Jr., Incorporated, OWNER, 5/8/2006 to 4/1/2010
- 5) If YES, when did the change(s) in owner or operator occur? 4/1/2010

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

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

- 1 Effective Date: 12/20/2007 ADMINORDER 2006-1948-AIR-E (Findings Order)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:TCEQ Flexible Permit #2167, SC#1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:TCEQ Flexible Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:TCEQ Flexible Air Permit #2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov:TCEQ Flexible Permit No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions on October 2, 2006, when a console operator inadvertently opened the wrong valve, resulting in an emissions event that released 2,608.50 pounds of sulfur dioxide and lasted for one hour (Incident No. 82077)
- 2 Effective Date: 07/21/2008 ADMINORDER 2007-1954-AIR-E (Findings Order)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter G 116.715(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:TCEQ Flexible Permit No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions.

- 3 Effective Date: 10/23/2008 ADMINORDER 2008-0894-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SC 1 PERMIT
SC 26 PERMIT
Description: As owner and operator of the Plant, the Respondent is alleged to have failed to prevent excess hydrogen sulfide in the refinery fuel gas and prevent unauthorized emissions during an April 28, 2008 emissions event.
- 4 Effective Date: 11/06/2008 ADMINORDER 2008-0674-MLM-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:FOP #O-01372, STC #1.H.(iv) OP
Description: Failed to operate six cooling tower heat exchange system HRVOC analyzers for the minimum 95% of the required operating time from April 1, 2006 through January 31, 2007.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:FOP# O-01372, SC# 12F OP
Description: Failed to perform daily/zero span checks on the sulfur dioxide analyzer on the 435 Unit when Houston Refining ran out of calibration gas and the repair exceeded the maximum of five days from November 25, 2005 through December 2, 2005
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:FOP# O-01372, SC #1A OP
FOP# O-01372, SC# 28 OP
NSR Permit # 2167, SC#29 PA
Description: Failed to demonstrate that flares were operated with a continuously operating pilot light. Specifically, sensor monitoring data indicated that the pilot lights were out on Plant Flare No. 2 (338K002) on November 7, 2005, January 4, 2006, February 21, 2006, March 10, 2006; the Houston Street Flare (338K0005) on September 19, 2005; Plant Flare No. 3 (338K0007) on November 17, 2005, December 1, 2005; and Plant Flare No. 4 (338K0008) on September 15, 2005.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:FOP # O-01372, SC # 28 OP
FOP # O-01372, SC #1A OP
NSR Permit # 2167, SC #14E PA
Description: Failed to cap 13 open-ended valves/lines with either a cap, plug, blind flange or other sealing device.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov:FOP # O-01372, SC # 1A OP
FOP # O-01372, SC# 13B OP
Description: Failed to perform monthly visual inspections to individual drain systems. Specifically, during September and October 2005, one and five drain inspections was missed, respectively

Classification: Moderate

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

Rqmt Prov:FOP # O-01372, SC #28 OP

NSR Permit # 2167, SC # 44B PA

Description: Failed to operate the wet gas scrubber with a minimum pressure drop across the scrubber of 0.91 pound per square inch ("psi") and a minimum liquid to-gas ratio ("L/G") of 16.0 gallons per 1000 actual cubic feet ("16.0 gal/1000 ft³"). Specifically, on December 10 and 13, 2005, the L/G fell below 16.0 gal/1000 ft³, and the minimum

pressure drop fell below 0.91 psi. from May 25 through 27, 2006.

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:FOP# O-01372, SC #1A OP

Description: Failed to change out the carbon from a carbon canister immediately after breakthrough was discovered on November 21, 2005.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(g)(1)(B)(ii)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC #1A OP

Description: Failed to operate a continuous run-time meter for the firewater pump at Dock A from July 1, 2005 through January 10, 2006

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.144(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC# 1A OP

Description: Failed to perform the required semi-annual seal inspection on volatile organic compound ("VOC") storage tanks. Specifically, Houston Refining failed to do semi-annual seal inspections on Tank No. 137TK0412 from June 8, 2005 to August 3, 2005 and 32TK0854 from December 6, 2004 to July 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(ii)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC# 1A OP

FOP# O-01372, SC# 28 OP

NSR Permit #2167, SC# 20D PA

Description: Failed to perform the required seal gap inspection on Tank No. 137TK0890 within 60 days of tank refilling. Specifically, the tank was put back into service on August 24, 2005 after being out of service more than two years for extensive repairs and a seal gap inspection was not conducted by October 23, 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC# 1A OP

Description: Failed to perform routine LDAR monitoring on the Tank 669 East transfer pump from July 1, 2005 through November 15, 2005 and on two pumps in the 734 Benzene Toluene Unit during the first and second quarters of 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC# 1A OP

FOP# O-01372, SC# 28 OP

NSR Permit# 2167, SC# 14I & 15H PA

Description: Failed to repair eight individual component leaks found during AVO inspections within 15 calendar days from July 26, 2005 through December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC# 1A OP
FOP# O-021372, SC# 28 OP
NSR Permit# 2167, SC# 14I & 15H PA

Description: Failed to repair two leaking valves in Hazardous Organic National Emission Standards for Hazardous Air Pollutants ("HON") service within 15 calendar days. Specifically, the valves were found leaking on August 11, 2005 and were repaired on September 12, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC# 1A OP
FOP# O-01372, SC# 28 OP
NSR Permit # 2167, SC# 15F PA

Description: Failed to conduct routine quarterly LDAR monitoring from July 1, 2005 through June 30, 2006. Specifically, Houston Refining failed to monitor 71 valves on the 135 Unit and 44 valves on the 938 Unit from January 1, 2006 through June 20, 2006; two valves on the 732 Unit from February 15, 2006 through June 30, 2006; and 58 valves in the South Tank Farm, five valves in the FCCU, and three valves in the 536, 537, and 736 Units from July 1, 2005 through December 31, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP# O-01372, SC#1.H(v) OP

Description: Failed to perform initial monitoring of approximately 651 connectors in HRVOC service. Specifically, approximately 350 Black Lake Unit and Propane/Propylene Treater connectors were not monitored from April 1, 2006 to June 30, 2006 and 301 connectors in fuel gas service at the Boiler House were not monitored from April 24, 2006 to May 24, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(g)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP#O-01372, SC#1.H(v) OP

Description: Failed to record all the required monitoring data for 236 HRVOC-service valves in July 2005 on the 736 Unit. Specifically, due to data logger failure, the same date and time of monitoring was recorded for 236 valves instead the exact date and time of the monitoring of each valve. Non-leaking valves were given the same default readings but leaking valves had the correct readings.

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:FOP #O-01372, SC # 1.H.(v) OP

Description: Failed to repair three valves and two connectors in HRVOC service within seven days. Specifically, Houston Refining failed to repair the following within seven days: valve tag no. 2300956 found leaking in the 938 Unit on March 8, repaired March 16, 2006; two connectors found leaking in the 234 Unit on April 11, 2006, repaired April 24, 2006; valve tag no. 602111 and tag no. 214696 found leaking in the 936 Unit on May 1 and May 3, 2006, respectively, both repaired May 16, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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 63.168(d)(2)

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

Rqmt Prov:FOP# O-01372, SC# 1A OP

FOP# O-01372, SC# 28 OP

NSR Permit# 2167, SC# 15F PA

Description: Failed to monitor 406 valves on the Para-xylene Recovery Unit ("PRU"), including valves in HON-service, during first quarter 2005, 551 HON-service valves on the PRU during the second quarter 2005, and 26 HON-service valves on the 934 Unit during the third quarter 2005.

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:FOP# O-01372, SC# 3(B)(i) OP

Description: Failed to prevent visible emissions from a stationary vent for approximately 25 minutes on January 15, 2006 when the 536 F-1B IDAP failed causing the heater oxygen to fall causing visible smoke from the heater stack.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:FOP# O-01372, SC# 1.H.(ii) OP

Description: Failed to complete a written monitoring plan for continuous monitoring systems by December 31, 2005.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov:FOP #O-01372, SC #1.H(ii) OP

FOP #O-01372, SC 1.H(i) OP

Description: Failed to test 32 HRVOC analyzers on 32 HRVOC service heater stacks by January 30, 2006.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:EFFLUENT LIMITS PERMIT

Description: Failed to comply with the permitted effluent limits (Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, Nos. 1 and 2 for Outfall 002A, and No. 1 for Outfall 003A)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to submit the initial notification for the May 28, 2007 emissions event in a timely manner. Specifically, the report, which was due May 29, 2007 was not submitted until May 31, 2007.

Classification: Moderate

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

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

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 2,781 pounds of nitrogen oxide ("NOx") from the Fluid Catalytic Cracking Unit ("FCCU") during an avoidable emissions event that began May 28, 2007 and lasted 10 hours. Since this emissions event was improperly reported, Houston Refining failed to meet the demonstrations necessary to present an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

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

Description: Failed to properly report the amount of unauthorized NOx emissions released as a result of the May 28, 2007 emissions event

Classification: Moderate

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

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

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,500 lbs of VOC, including 1,019 lbs of the HRVOC propylene, from the Butane Recovery Unit during an emissions event that began October 9, 2007 and lasted two hours. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

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 prevent unauthorized emissions. Specifically, during a March 19, 2008 emissions event the following unauthorized emissions were released from Flare Nos. 1, 2, and 3 over a period of six hours: 3,061 lbs of sulfur dioxide, 1,902 lbs of VOC, 1,079 lbs of carbon monoxide, 154 lbs of NOx, and 33 lbs of hydrogen sulfide. Since the emissions event was avoidable, the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 were not met.

5 Effective Date: 10/31/2009 ADMINORDER 2008-0790-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to install, operate, and maintain a fixed roof and closed vent system to route organic vapor from the solids collection hoppers used in the material recovery and recycling operations operated by a contractor at the refinery.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
40 CFR Part 61, Subpart FF 61.356(f)(2)(i)(G)
5C THSC Chapter 382 382.085(b)

Description: Failed to keep records for the material recovery and recycling operations in accordance with 40 CFR Part 61 Subpart FF. Specifically, Houston Refining failed to identify waste streams subject to this subpart, failed to maintain engineering design documentation for control equipment, failed to keep records for the operation of the carbon absorption system including analysis, vent stream composition and flow rate as required by 40 CFR § 61.356(f)(2)(i)(G) and failed to keep records for visual ins

6 Effective Date: 12/18/2009 ADMINORDER 2009-0181-AIR-E (1660 Order)

Classification: Minor

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

Description: Failed to notify the TCEQ of a reportable emissions event within 24 hours of discovery (Incident No. 115083). Specifically, the event was discovered at 1:00 a.m. on October 4, 2008, but was not reported until 5:30 p.m. on October 6, 2008.

Classification: Moderate

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

Rqmt Prov:Special Condition 1 PA

Description: Failed to prevent unauthorized emissions during Incident No. 115083. Specifically, 28,043 lbs of unauthorized sulfur dioxide emissions were released from the Tail Gas Incinerator for 42 hours beginning on October 4, 2008 due to failure of a flow transmitter. Since the Respondent has not demonstrated that the equipment failure was beyond their control, and the event was reported late, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

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 prevent unauthorized emissions during Incident No. 117127. Specifically, unauthorized emissions of 33,908 lbs of SO2 and 11,158 lbs of volatile organic compounds were released from the Coke Fractionator and Coker Flare for 48 hours beginning on November 26, 2008 due to unstable operating conditions that resulted in a shutdown of the gas compressor. Since the Respondent has not demonstrated that the shutdown was beyond their control and could not have been foreseen and avoided, the d

7 Effective Date: 07/11/2010 ADMINORDER 2010-0028-AIR-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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. Specifically, during an emissions event (Incident No. 131133) on October 24, 2009, operations personnel improperly lined up valves in the Butane Recovery Unit, causing the unauthorized release of 5,143 pounds of volatile organic compounds from a pressure safety valve (Emissions Point Number 233-UNIT) over a two minute period. Since these emissions could have been avoided by better operational practices, the emissions are not subject

- 8 Effective Date: 08/09/2010 ADMINORDER 2009-0779-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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. Specifically, hydrogen sulfide emissions from barge loading at the dock, Emissions Point No. ("EPN") LL19DOCKD, are limited to 7.79 pounds per hour, but those emissions reported at 11.63 pounds per hour.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:STC 1A OP
STC 2 OP
Description: Failed to submit an emissions event report to the State of Texas Environmental Electronic Reporting System ("STEERS") within 24 hours of a reportable emissions event (Incident No. 123442). Specifically, the event occurred on January 7 and 8, 2007, but the STEERS report was not submitted until April 27, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
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 and the allowable site-wide hourly emissions cap for highly reactive volatile organic compounds ("HRVOC"). Specifically, during an emissions event (Incident No. 123442) on January 7 and 8, 2007, an improperly set pressure relief valve (EPN 938PSV0049) in the Paraxylene Recovery Unit released 4,500 pounds of ethylene over a 6.4 hour period
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
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 and the allowable site-wide hourly emissions cap for HRVOC. Specifically, during an emissions event (Incident No. 124005) on May 8, 2009, an improperly open valve and a failed level indicator caused the # 2 Debutanizer Tower (EPN 732T0007) and a pressure relief valve (EPN 732PSV0337) in the Fluid Catalytic Cracking Unit to emit 3,753 pounds of volatile organic compounds (including 2,471 pounds of HRVOC), 0.3 pound of sulfur dioxide
- 9 Effective Date: 08/09/2010 ADMINORDER 2008-1454-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:TCEQ Flexible Permit No. 2167, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 112203.
- 10 Effective Date: 10/25/2010 ADMINORDER 2009-1158-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:2167 SC 1 PERMIT
Description: Failed to prevent the operator from inadvertently shutting down the Thermal Oxidizer causing an unauthorized release of emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Failed to include on their final report, the authorization number governing the facilities involved in the emissions event (Incident No. 124877) that occurred on May 29, 2009 in the SRU Unit.

- 11 Effective Date: 11/15/2010 ADMINORDER 2010-0641-AIR-E (Findings Order)
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 prevent unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failed to identify the compound descriptive type of all compounds or mixtures of air contaminants released during Incident No. 133389 in the final record.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SPECIAL CONDITION 1 OP
Description: Failed to prevent unauthorized emissions.
- 12 Effective Date: 12/25/2010 ADMINORDER 2010-0211-AIR-E (1660 Order)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit an initial notification and final report for Incident No. 2008-770. Specifically, Incident No. 2008-770 was discovered on November 19, 2009 and ended November 24, 2009 and neither report was received.
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 prevent unauthorized emissions. Specifically, the Respondent released 12,836 pounds ("lbs") of sulfur dioxide ("SO2") and 139 lbs of hydrogen sulfide ("H2S") from the 636 Hydrodesulfurization Unit during an emissions event (Incident No. 2008-770) that began November 18, 2009 and lasted 131 hours and 10 minutes. Since the cause of this event could not be determined and it was not reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit an initial notification and final report for Incident No. 2009-344. Specifically, Incident No. 2009-344 was discovered on June 14, 2009 and lasted two hours and 24 minutes and neither report was received.
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 prevent unauthorized emissions. Specifically, the Respondent released 3,206 lbs of SO2 and 35 lbs of H2S from the 737 Delayed Coker Unit during an avoidabl emissions event (Incident No. 2009-344) that began June 14, 2009 and lasted two hours and 24 minutes. The event was the result of an unexpected change in compressor discharge temperature. Since this emissions event could have been avoided by better operational practices and was not reported, the demonstrations in 30 Tex. Admin.
- 13 Effective Date: 03/07/2011 ADMINORDER 2010-1315-AIR-E (1660 Order)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 properly replace a strainer in the 536 Crude Unit causing an emissions event (Incident No. 139853) on May 17, 2010, resulting in a fire and the release of unauthorized emissions of 1,543.92 pounds ("lbs") of sulfur dioxide, 229.03 lbs of nitrous oxides, 287.06 lbs of particulate matter, 20.99 lbs of carbon monoxide, 33.29 lbs of gas oil, and 3.11 lbs of gasoline blend stock during an emissions event lasting one hour

- 14 Effective Date: 07/31/2011 ADMINORDER 2010-2029-AIR-E (1660 Order)
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 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 prevent unauthorized emissions during an emissions event that occurred on August 15, 2010. Specifically, the Respondent released 2,475.45 pounds ("lbs") of sulfur dioxide, 185.18 lbs of nitrogen oxides, 28.39 lbs of carbon monoxide, 35.51 lbs of particulate matter, 179.71 lbs of fuel oil 6, and 265.22 lbs of diesel fuel from a ruptured tube in the furnace of 737 Coker Unit during an emissions event that lasted approximately two hours (Incident No. 143549).
- 15 Effective Date: 08/27/2011 ADMINORDER 2011-0308-AIR-E (Findings Order)
 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 prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 2167 and PSD-TX-985, Special Conditions No. 1.
 Since this emissions event could have been avoided by better operational practices and was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present affirmative defense were not met.
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 5C THSC Chapter 382 382.085(b)
 Description: Failed to submit the initial notification for Incident No. 147093 within 24 hours after the discovery of the event.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 10, 2007	(594976)	Item 28	November 17, 2008	(727381)
Item 2	October 17, 2007	(567541)	Item 29	December 08, 2008	(709767)
Item 3	October 18, 2007	(566919)	Item 30	December 15, 2008	(721107)
Item 4	October 19, 2007	(598478)	Item 31	January 12, 2009	(750119)
Item 5	October 25, 2007	(596179)	Item 32	February 18, 2009	(750118)
Item 6	November 06, 2007	(619399)	Item 33	March 16, 2009	(738275)
Item 7	December 10, 2007	(619400)	Item 34	March 17, 2009	(768258)
Item 8	December 21, 2007	(610028)	Item 35	April 13, 2009	(768259)
Item 9	January 15, 2008	(612806)	Item 36	May 12, 2009	(741579)
Item 10	January 18, 2008	(609373)	Item 37	June 18, 2009	(924728)
Item 11	January 25, 2008	(613320)	Item 38	July 20, 2009	(924729)
Item 12	January 29, 2008	(611265)	Item 39	July 30, 2009	(763485)
Item 13	February 11, 2008	(671904)	Item 40	August 11, 2009	(741080)
Item 14	March 03, 2008	(616148)	Item 41	August 20, 2009	(924730)
Item 15	April 07, 2008	(617770)	Item 42	September 02, 2009	(741085)
Item 16	April 14, 2008	(689826)	Item 43	September 22, 2009	(924731)
Item 17	April 22, 2008	(639660)	Item 44	October 21, 2009	(924732)
Item 18	May 15, 2008	(689827)	Item 45	November 19, 2009	(924733)
Item 19	June 23, 2008	(710583)	Item 46	December 14, 2009	(924734)
Item 20	July 11, 2008	(710584)	Item 47	January 06, 2010	(786299)
Item 21	August 14, 2008	(710585)	Item 48	January 20, 2010	(924735)
Item 22	August 18, 2008	(699930)	Item 49	February 22, 2010	(924726)
Item 23	August 22, 2008	(688646)	Item 50	March 16, 2010	(830751)
Item 24	September 23, 2008	(710586)	Item 51	March 17, 2010	(785822)
Item 25	October 08, 2008	(702275)	Item 52	April 19, 2010	(830752)
Item 26	October 23, 2008	(710587)	Item 53	May 06, 2010	(800659)
Item 27	October 29, 2008	(686547)	Item 54	May 17, 2010	(800059)

Description: Failure to maintain heating values at or greater than 300 Btu/scf for the No. 3 Plant Flare (EPN: 338K0007), the No.1 Plant Flare (EPN: 338K0001) and the Houston Street Flare (338K0005). (Category B18)

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 60.103(a)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to maintain the hourly CO concentration limit of 500 ppm for the FCCU Regen / CO Boiler / Wet Gas Scrubber (EPN: 732D0063). (Category B19g1)

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 31 PA
 Special Term & Condition 1A & 28 OP

Description: Failure to maintain the hourly CO concentration limit of 100 ppmvd at the Tail Gas Thermal Oxidizer (EPN: 435F1402) and Tail Gas Thermal Oxidizer (EPN: 440F2002). (Category B19g1)

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 PA
 Special Terms & Conditions 1A & 28 OP

Description: Failure to maintain the hourly SO2 concentration limit of 235 ppmvd at the Tail Gas Thermal Oxidizer (EPN: 435F1402) and Tail Gas Thermal Oxidizer (EPN: 440F2002). (Category B19g1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to operate the continuous monitoring system on No. 1 Plant Flare (EPN: 338K0001) at least 95% of the time when the flare was operational for calendar year 2010. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
 5C THSC Chapter 382 382.085(b)

Description: Failure to operate the continuous monitoring system on the Coker Cooling Tower (EPN: 737CT3701) at least 95% of the time when the cooling tower was operational for calendar year 2010. (Category C1)

Self Report? NO Classification: Moderate

Citation: 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)
 Special Term & Condition 1A OP

Description: Failure to conduct routine monitoring of the primary and secondary canister exhaust for the Benzene lift stations on a daily basis. (Category B1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.224(2)
 5C THSC Chapter 382 382.085(b)

Description: Failure to possess a current leak test on tank-truck during a delivery on March 11, 2011. (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 4 OP

Description: Failure to close a sample nozzle on external floating roof (EFR) Storage Tank (EPN: 137TK0425). (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(4)
 30 TAC Chapter 115, SubChapter B 115.144(2)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Terms & Conditions 1A & 4 OP

Description: Failure to conduct secondary seal inspections of the Light Hydrotreated Naphtha EFR Tank No. 135TK0807 (EPN: 135TK0807), Process Wastewater EFR Tank No. 136TK0558 (EPN: 136TK0558), Process Wastewater EFR Tank No. 432TK0810 (EPN: 432TK0810) and Process Wastewater EFR Tank No. 432TK0811 (EPN: 432TK0811) in a timely manner. (Category B1)

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
	Description:	Failure to collect samples when the HRVOC on-line analyzer was not operational. (Category B1)		
3	Date:	01/31/2012 (997924)	CN601313083	
	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		
4	Date:	04/03/2012 (995054)	CN601313083	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(1)(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 24- hour rolling average CO concentration limit of 400 ppmvd at Atmospheric Tower Heater (EPN: 536F0001A) and Heater B5-733 LEF Reboiler (EPN: 733F0005). (Category B19g1) Repeat "B" 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 25 PA Special Terms & Conditions 1A & 28 OP		
	Description:	Failure to maintain 3-hour rolling average H2S concentration below the limit of 160 ppmvd at the Fuel Gas Mixing Pot (EPN: 338D0408). (Category B19g1) Repeat "B" Violation		
5	Date:	05/24/2012 (996437)	CN601313083	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT		
	Description:	Failure to prevent unauthorized emissions due to pinhole leaks in the No. 3 Pentane Transfer pipeline.		
6	Date:	05/31/2012 (1024125)	CN601313083	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
7	Date:	06/11/2012 (997444)	CN601313083	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to maintain compliance with effluent limits.		
8	Date:	07/12/2012 (1002848)	CN601313083	
	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 meet the demonstration criteria for an affirmative defense for unauthorized emissions during Emissions Event # 167534. [Subcategory B13]		
9	Date:	07/26/2012 (1013316)	CN601313083	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) SC-1 PERMIT		
	Description:	Failure to prevent an avoidable crack in a 3/4" bleed line from a benzene/toluene transfer line in an elevated pipe rack. [Subcategory B.13]		

F. Environmental audits:

Notice of Intent Date: 09/05/2007 (595042)

Disclosure Date: 02/13/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
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)

Rqmt Prov: PERMIT 2167 SC 14E, 15E,

Description: Failure to provide seals for open ended lines that contain VOCs.

Disclosure Date: 04/03/2008

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
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)

Rqmt Prov: PERMIT 2167 SC 14E, 15E,

Description: Failure to provide seals for open ended lines that contain VOCs.

Notice of Intent Date: 10/04/2007 (598208)

Disclosure Date: 03/31/2008

Viol. Classification: Moderate

Citation: 40 CFR Part 63, Subpart G 63.119(c)(2)(ii)
40 CFR Part 63, Subpart G 63.119(c)(2)(v)

Description: Tank fittings for EFR Tank 137TK0555 are not compliant with SOCOMI Hon Group 1 requirements.

Notice of Intent Date: 09/10/2008 (598166)

Disclosure Date: 06/11/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)

Description: Failure to monitor 547 difficult to monitor connectors in HRVOC service annually.

Notice of Intent Date: 06/14/2010 (791229)

Disclosure Date: 01/28/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failed to have a record of a first attempt at repair that occurred within one business day for three HRVOC components found leaking on 9/2/10 (Tag. Nos. 3173, 116728, and 305923).

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 14

Description: Components were discovered in the South tank farm that were not adequately tagged, recorded in the LDAR database, and not monitored.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

Description: Failed to conduct initial and annual Method 21 sampling as required by NESHAP FF..

Viol. Classification: Minor

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Description: Failed to have labeling done properly according to RCRA requirements as waste batteries were not labeled properly, and containers used to store used oil were not all labeled or marked clearly with the words "Used Oil"

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(1)

Description: Records of analyzer ID and Operator ID are missing for 9 monitoring events for which leaks were detected under Refinery MACT and for 1,455 monitoring events for compliance with Chap. 115 HRVOC rules.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HOUSTON REFINING LP
RN100218130**

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

AGREED ORDER DOCKET NO. 2012-2037-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Mr. Jason Van Loo, LyondellBassell Industries, together stipulate that:

1. The Respondent owns and operates an integrated petroleum refinery with an associated wastewater treatment facility at 12000 Lawndale Avenue in Houston, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Two Thousand Five Hundred Dollars (\$22,500) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Nine Thousand Dollars (\$9,000) of the administrative penalty and Four Thousand Five Hundred Dollars (\$4,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Nine Thousand Dollars (\$9,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations at Outfall Nos. 001 and 003, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000392000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 003, as documented during a record review conducted on August 22, 2012. Specifically, the Respondent reported zinc daily maximum effluent concentrations of 0.79 milligrams per liter ("mg/L") during October 2011 from Outfall No. 001, and 0.89 mg/L during January 2012 and 1.71 mg/L during May 2012 from Outfall No. 003 that exceeded the 0.51 mg/L permitted effluent limitations.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Refining LP, Docket No. 2012-2037-IWD-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Dollars (\$9,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implements 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. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000392000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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:

Water 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 Facility 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. 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.
8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ron Davie Jr
For the Executive Director

3/29/13
Date

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

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

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

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

Todd Monette
Signature

1/7/2013
Date

TODD MONETTE
Name (Printed or typed)
Authorized Representative of
Houston Refining LP

REFINERY MANAGER
Title

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

Attachment A

Docket Number: 2012-2037-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Table 1

Respondent:	Houston Refining LP
Penalty Amount:	Eighteen Thousand Dollars (\$18,000)
SEP Offset Amount:	Nine Thousand Dollars (\$9,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	City of Pasadena
Project Name:	<i>Capture Gate on Preston</i>
Location of SEP:	Harris County

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 SEP Offset Amount is set forth above and such offset 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 the **City of Pasadena** for the *Capture Gate on Preston* SEP. The contribution will be used in accordance with the SEP between the Third-Party Recipient and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to design and install a gate (“the Gate”) to trap floatable debris, trash, and oil that will be removed from the stream before flowing into Armand Bayou and Galveston Bay. The Third-Party Recipient shall use the SEP Offset Amount to pay a contractor to design, fabricate, install and maintain the Gate which will be located in the Preston Avenue median ditch between Fairmont Parkway and Crenshaw Road in Pasadena, Texas. The Gate will be designed to remove debris, but not cause flooding.

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 performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This project will benefit water quality by preventing and reducing the amount of pollution reaching Armand Bayou and Galveston Bay.

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 shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to the **City of Pasadena SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Pasadena
Daya Dayananda, Assistant Director of Public Works
1114 Davis Street
Pasadena, Texas 77506

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 due to the Third-Party Recipient. Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
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 Offset Amount 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.