Executive Summary – Enforcement Matter – Case No. 44757
Motiva Enterprises LLC
RN100209451
Docket No. 2012-1628-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
Port Arthur Refinery, 2555 Savannah Avenue, Port Arthur, Jefferson County
Type of Operation:
Petroleum refinery
Other Significant Matters:
Additional Pending Enforcement Actions: Yes, Docket Nos. 2013-0551-AIR-E; 2013-0304-AIR-E; 2012-2014-MLM-E; 2012-0735-AIR-E; and 2012-0331-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: July 12, 2013
Comments Received: No

Penalty Information

Total Penalty Assessed: $28,688
Amount Deferred for Expedited Settlement: $5,737
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $11,476
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $11,475
Name of SEP: Southeast Texas Regional Planning Commission
Compliance History Classifications:
Person/CN - Average
Site/RN - Average
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 44757
Motiva Enterprises LLC
RN100209451
Docket No. 2012-1628-AIR-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 30, 2012 and July 12, 2012
Date(s) of NOE(s): July 17, 2012, August 7, 2012 and August 28, 2012

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 603.3 pounds ("lbs") of sulfur dioxide ("SO2"), 22.8 lbs of nitrogen oxides ("NOx"), and 441.9 lbs of carbon monoxide ("CO") from the Fluid Catalytic Cracking Unit 3, Emission Point Number ("EPN") SFCCU3-2, during an avoidable emissions event (Incident No. 166765) that began on April 3, 2012 and lasted 30 minutes. The event occurred during a planned maintenance activity on the overflow line of the Bypass Stack Water Seal Drum. The butterfly valve on the Waste Heat Boiler inlet closed, sending untreated regenerator flue gas to the bypass stack. Since this emissions event could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16A, and Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions ("SC") No. 1].

2. Failed to prevent unauthorized emissions. Specifically, Respondent released 6,863 lbs of SO2, 174.41 lbs of hydrogen sulfide ("H2S"), 299 lbs of NOx, 762 lbs of CO, and 262.55 lbs of volatile organic compounds from the Hydrocracking Unit 2 ("HCU2") Flare, EPN EHCU2, during an avoidable emissions event (Incident No. 168982) that began on May 28, 2012, and lasted 12 minutes. The event occurred when the temperature indicators were found to be reading backwards. Upon reconnection, the change in values caused a false high rate of rise to be observed in the reactor and an instrument protective function ("IPF") was initiated which caused Reactor 2 to be immediately shut down and depressured to the HCU2 Flare. Since this emissions event could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O3387, GTC and STC No. 18, and Air Permit Nos. 6056 and PSDTX1062M1, SC Nos. 1 and 5].

3. Failed to prevent unauthorized emissions. Specifically, Respondent released 18,729 lbs of SO2 (Incident No. 168615) during an emissions event that began on May 18, 2012 and lasted 11 hours. The event occurred during a scheduled stack test at Boiler 46. The Boiler was being fired with refinery fuel gas which showed low H2S on its Continuous Monitoring System analyzer. It was determined after the fuel gas was sampled that the total sulfur content showed higher than expected results and the presence of Dimethyl Disulfide. HCU2 was undergoing a sulfiding process of its catalyst during the same time

period. Since the emissions could have been avoided through better operational practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085, FOP No. O3387, GTC and STC No. 18, and Air Permit Nos. 6056 and PSDTX1062M1, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

a. By July 14, 2012, instituted an alarm strategy basis on the level instrumentation associated with the bypass stack water seal drum to prevent the recurrence of emissions events due to the same causes as Incident No. 166765; and

b. By August 19, 2012, trained and certified personnel to use the equipment associated with the IPF and to ensure the maintenance bypass is properly evaluated to prevent the recurrence of emissions events due to the same causes as Incident No. 168982.

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 30 days, implement procedures to prevent recurrence of emissions events due to similar causes as Incident No. 168615; and

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision 2.a.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A

Executive Summary – Enforcement Matter – Case No. 44757
Motiva Enterprises LLC
RN100209451
Docket No. 2012-1628-AIR-E

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Greg Willms, General Manager, Motiva Enterprises LLC, P.O. Box 712, Port Arthur, Texas 77641
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-1628-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises LLC**
Penalty Amount:	**Twenty-Two Thousand Nine Hundred Fifty-One Dollars ($22,951)**
SEP Amount:	**Eleven Thousand Four Hundred Seventy-Five Dollars ($11,475)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Recipient:	**Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program**
Location of SEP:	**Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas**

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

1. Project Description

a. Project

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party 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 amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

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

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party 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 payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES					
Assigned	13-Aug-2012				
PCW	29-Jan-2013	Screening	13-Aug-2012	EPA Due	25-May-2013

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	44757	No. of Violations	3
Docket No.	2012-1628-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 Maximum $25,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **100.0%** Enhancement — *Subtotals 2, 3, & 7* **$15,000**

Notes: Enhancement for repeat violator status, six NOVs with same/similar violations, 18 NOVs with dissimilar violations, nine orders with denial of liability, and three orders without denial of liability. Reduction for eight notices of intent to conduct an audit, four disclosures of violations, and an environmental management system.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* **$1,312**

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

Total EB Amounts $113
Approx. Cost of Compliance $4,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$28,688**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$28,688**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$28,688**

DEFERRAL — **20.0%** Reduction — *Adjustment* **-$5,737**

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 **$22,951**

Screening Date 13-Aug-2012 **Docket No.** 2012-1628-AIR-E **PCW**

Respondent Motiva Enterprises LLC *Policy Revision 3 (September 2011)*

Case ID No. 44757 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

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 (*number of NOVs meeting criteria*)	6	30%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	9	180%
	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	3	75%
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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	8	-8%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	4	-8%

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

Adjustment Percentage (Subtotal 2) 295%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for repeat violator status, six NOVs with same/similar violations, 18 NOVs with dissimilar violations, nine orders with denial of liability, and three orders without denial of liability. Reduction for eight notices of intent to conduct an audit, four disclosures of violations, and an environmental management system.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 320%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 100%

Screening Date	13-Aug-2012	**Docket No.** 2012-1628-AIR-E	**PCW**
Respondent	Motiva Enterprises LLC		*Policy Revision 3 (September 2011)*
Case ID No.	44757		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air		
Enf. Coordinator	Jessica Schildwachter		

Violation Number 1

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

Violation Description Failed to prevent unauthorized emissions as documented during a record review conducted on May 30, 2012. Specifically, the Respondent released 603.3 pounds ("lbs") of sulfur dioxide ("SO2"), 22.8 lbs of nitrogen oxides ("NOx"), and 441.9 lbs of carbon monoxide ("CO") from the Fluid Catalytic Cracking Unit 3, Emission Point Number ("EPN") SFCCU3-2, during an avoidable emissions event (Incident No. 166765) that began on April 3, 2012 and lasted 30 minutes. The event occurred during a planned maintenance activity on the overflow line of the Bypass Stack Water Seal Drum. The butterfly valve on the Waste Heat Boiler inlet closed, sending untreated regenerator flue gas to the bypass stack. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			x
	Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction — $937

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

Notes: The Respondent completed corrective actions on July 14, 2012, prior to the July 17, 2012 NOE.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $6,563

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

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 44757
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$1,500	3-Apr-2012	14-Jul-2012	0.28	$21	n/a	$21

Notes for DELAYED costs: Estimated cost to institute an alarm strategy basis on the level instrumentation associated with the bypass stack water seal drum to prevent recurrence of emission events due to the same or similar causes as Incident No. 166765. The date required is the date of the emission event. The final date is the date corrective actions were complete.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,500

TOTAL $21

Screening Date	13-Aug-2012	**Docket No.** 2012-1628-AIR-E	**PCW**
Respondent	Motiva Enterprises LLC		*Policy Revision 3 (September 2011)*
Case ID No.	44757		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN100209451		
Media [Statute]	Air		
Enf. Coordinator	Jessica Schildwachter		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O3387, GTC and STC No. 18, and Air Permit Nos. 6056 and PSDTX1062M1, SC Nos. 1 and 5

Violation Description Failed to prevent unauthorized emissions, as documented during a record review conducted on July 12, 2012. Specifically, the Respondent released 6,863 lbs of SO2, 174.41 lbs of hydrogen sulfide ("H2S"), 299 lbs of NOx, 762 lbs of CO, and 262.55 lbs of volatile organic compounds from the Hydrocracking Unit 2 ("HCU2") Flare, EPN EHCU2, during an avoidable emissions event (Incident No. 168982) that began on May 28, 2012, and lasted 12 minutes. The event occurred when the temperature indicators were found to be reading backwards. Upon reconnection, the change in values caused a false high rate of rise to be observed in the reactor and an instrument protective function ("IPF") was initiated which caused Reactor 2 to be immediately shut down and depressured to the HCU2 Flare. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction $375

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

Notes: The Respondent completed corrective actions on August 19, 2012, after the August 7, 2012 NOE.

Violation Subtotal $3,375

Economic Benefit (EB) for this violation

Estimated EB Amount $17

Statutory Limit Test

Violation Final Penalty Total $7,125

This violation Final Assessed Penalty (adjusted for limits) $7,125

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 44757
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$1,500	28-May-2012	19-Aug-2012	0.23	$17	n/a	$17
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated costs to train and certify personnel to use the equipment associated with the IPF and to ensure the maintenance bypass is properly evaluated. The date required is the date of the emissions event. The final date is the date corrective actions were completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,500

TOTAL $17

Screening Date 13-Aug-2012 **Docket No.** 2012-1628-AIR-E **PCW**

Respondent Motiva Enterprises LLC *Policy Revision 3 (September 2011)*

Case ID No. 44757 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Tex. Health & Safety Code § 382.085, FOP No. O3387, GTC and STC No. 18, and Air Permit Nos. 6056 and PSDTX1062M1, SC No. 1

Violation Description Failed to prevent unauthorized emissions, as documented during a record review conducted on July 12, 2012. Specifically, the Respondent released 18,729 lbs of SO2 (Incident No. 168615) during an emissions event that began on May 18, 2012 and lasted 11 hours. The event occurred during a scheduled stack test at Boiler 46. The Boiler was being fired with refinery fuel gas which showed low H2S on its Continuous Monitoring System analyzer. It was determined after the fuel gas was sampled that the total sulfur content showed higher than expected results and the presence of Dimethyl Disulfide. HCU2 was undergoing a sulfiding process of its catalyst during the same time period. Since the emissions could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $17,500

$7,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $75

Statutory Limit Test

Violation Final Penalty Total $15,000

This violation Final Assessed Penalty (adjusted for limits) $15,000

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.

Compliance History Report

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

Customer, Respondent, or Owner/Operator:	CN600124051, Motiva Enterprises LLC	**Classification:** Average	**Rating:** 2.79
Regulated Entity:	RN100209451, PORT ARTHUR REFINERY	**Classification:** AVERAGE	**Rating:** 15.31
Complexity Points:	0	**Repeat Violator:** YES	
CH Group:	02 - Oil and Petroleum Refineries		
Location:	2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0095D
AIR OPERATING PERMITS PERMIT 1386
AIR OPERATING PERMITS PERMIT 3387
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008097529
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30121
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50188
WASTEWATER PERMIT WQ0000414000
WASTEWATER EPA ID TX0005835
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230079
AIR NEW SOURCE PERMITS REGISTRATION 48503
AIR NEW SOURCE PERMITS REGISTRATION 48504
AIR NEW SOURCE PERMITS REGISTRATION 48505
AIR NEW SOURCE PERMITS REGISTRATION 48506
AIR NEW SOURCE PERMITS REGISTRATION 49332
AIR NEW SOURCE PERMITS REGISTRATION 49333
AIR NEW SOURCE PERMITS REGISTRATION 49480
AIR NEW SOURCE PERMITS REGISTRATION 49477
AIR NEW SOURCE PERMITS REGISTRATION 49478
AIR NEW SOURCE PERMITS REGISTRATION 49912
AIR NEW SOURCE PERMITS REGISTRATION 50157
AIR NEW SOURCE PERMITS REGISTRATION 50158
AIR NEW SOURCE PERMITS REGISTRATION 50299
AIR NEW SOURCE PERMITS PERMIT 3415
AIR NEW SOURCE PERMITS PERMIT 6056
AIR NEW SOURCE PERMITS PERMIT 7160
AIR NEW SOURCE PERMITS PERMIT 7304
AIR NEW SOURCE PERMITS PERMIT 8210
AIR NEW SOURCE PERMITS PERMIT 8404
AIR NEW SOURCE PERMITS REGISTRATION 23943
AIR NEW SOURCE PERMITS REGISTRATION 23690
AIR NEW SOURCE PERMITS REGISTRATION 24148
AIR NEW SOURCE PERMITS REGISTRATION 24417
AIR NEW SOURCE PERMITS REGISTRATION 24081
AIR NEW SOURCE PERMITS REGISTRATION 24307
AIR NEW SOURCE PERMITS REGISTRATION 29244
AIR NEW SOURCE PERMITS REGISTRATION 32236
AIR NEW SOURCE PERMITS REGISTRATION 31590
AIR NEW SOURCE PERMITS REGISTRATION 34264
AIR NEW SOURCE PERMITS REGISTRATION 34500
AIR NEW SOURCE PERMITS REGISTRATION 37624
AIR NEW SOURCE PERMITS REGISTRATION 38931
AIR NEW SOURCE PERMITS REGISTRATION 39659
AIR NEW SOURCE PERMITS REGISTRATION 40494
AIR NEW SOURCE PERMITS REGISTRATION 40950
AIR NEW SOURCE PERMITS REGISTRATION 41443
AIR NEW SOURCE PERMITS REGISTRATION 41820
AIR NEW SOURCE PERMITS REGISTRATION 44322
AIR NEW SOURCE PERMITS REGISTRATION 44565
AIR NEW SOURCE PERMITS REGISTRATION 44691
AIR NEW SOURCE PERMITS REGISTRATION 45561
AIR NEW SOURCE PERMITS REGISTRATION 45560
AIR NEW SOURCE PERMITS REGISTRATION 45545
AIR NEW SOURCE PERMITS REGISTRATION 45938
AIR NEW SOURCE PERMITS REGISTRATION 45937
AIR NEW SOURCE PERMITS REGISTRATION 45936
AIR NEW SOURCE PERMITS REGISTRATION 45935
AIR NEW SOURCE PERMITS REGISTRATION 45934
AIR NEW SOURCE PERMITS REGISTRATION 46015
AIR NEW SOURCE PERMITS REGISTRATION 46079
AIR NEW SOURCE PERMITS REGISTRATION 46331
AIR NEW SOURCE PERMITS REGISTRATION 46330
AIR NEW SOURCE PERMITS REGISTRATION 46326
AIR NEW SOURCE PERMITS REGISTRATION 46589
AIR NEW SOURCE PERMITS REGISTRATION 46958
AIR NEW SOURCE PERMITS REGISTRATION 47149
AIR NEW SOURCE PERMITS REGISTRATION 48153
AIR NEW SOURCE PERMITS REGISTRATION 51922
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0095D
AIR NEW SOURCE PERMITS REGISTRATION 11297
AIR NEW SOURCE PERMITS REGISTRATION 11762
AIR NEW SOURCE PERMITS REGISTRATION 11777
AIR NEW SOURCE PERMITS REGISTRATION 11895
AIR NEW SOURCE PERMITS REGISTRATION 12059
AIR NEW SOURCE PERMITS REGISTRATION 12117
AIR NEW SOURCE PERMITS REGISTRATION 12482
AIR NEW SOURCE PERMITS REGISTRATION 13313
AIR NEW SOURCE PERMITS REGISTRATION 13358
AIR NEW SOURCE PERMITS REGISTRATION 13534

AIR NEW SOURCE PERMITS REGISTRATION 13693
AIR NEW SOURCE PERMITS REGISTRATION 14273
AIR NEW SOURCE PERMITS REGISTRATION 15403
AIR NEW SOURCE PERMITS REGISTRATION 16025
AIR NEW SOURCE PERMITS PERMIT 17522
AIR NEW SOURCE PERMITS REGISTRATION 75653
AIR NEW SOURCE PERMITS PERMIT 56287
AIR NEW SOURCE PERMITS REGISTRATION 52468
AIR NEW SOURCE PERMITS REGISTRATION 77681
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062
AIR NEW SOURCE PERMITS REGISTRATION 26297
AIR NEW SOURCE PERMITS REGISTRATION 87900
AIR NEW SOURCE PERMITS REGISTRATION 89842
AIR NEW SOURCE PERMITS REGISTRATION 93407
AIR NEW SOURCE PERMITS REGISTRATION 96078
AIR NEW SOURCE PERMITS REGISTRATION 96991
AIR NEW SOURCE PERMITS REGISTRATION 101826
AIR NEW SOURCE PERMITS REGISTRATION 103077
AIR NEW SOURCE PERMITS REGISTRATION 105523
AIR NEW SOURCE PERMITS REGISTRATION 105518
AIR NEW SOURCE PERMITS REGISTRATION 106439
AIR NEW SOURCE PERMITS REGISTRATION 105504
STORMWATER PERMIT TXRNEY448

AIR NEW SOURCE PERMITS REGISTRATION 14363
AIR NEW SOURCE PERMITS REGISTRATION 14493
AIR NEW SOURCE PERMITS REGISTRATION 15717
AIR NEW SOURCE PERMITS REGISTRATION 16221
AIR NEW SOURCE PERMITS REGISTRATION 54322
AIR NEW SOURCE PERMITS AFS NUM 4824500020
AIR NEW SOURCE PERMITS REGISTRATION 52429
AIR NEW SOURCE PERMITS REGISTRATION 75103
AIR NEW SOURCE PERMITS REGISTRATION 77922
AIR NEW SOURCE PERMITS PERMIT 78358
AIR NEW SOURCE PERMITS REGISTRATION 79866L
AIR NEW SOURCE PERMITS REGISTRATION 86268
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1
AIR NEW SOURCE PERMITS REGISTRATION 95508
AIR NEW SOURCE PERMITS REGISTRATION 100512
AIR NEW SOURCE PERMITS REGISTRATION 101131
AIR NEW SOURCE PERMITS REGISTRATION 102623
AIR NEW SOURCE PERMITS REGISTRATION 105516
AIR NEW SOURCE PERMITS REGISTRATION 105517
AIR NEW SOURCE PERMITS REGISTRATION 105519
AIR NEW SOURCE PERMITS REGISTRATION 105515
AIR NEW SOURCE PERMITS REGISTRATION 105522
PETROLEUM STORAGE TANK STAGE II REGISTRATION 57808

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

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

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

Date Compliance History Report Prepared: November 08, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 08, 2007 to August 08, 2012

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

Name: Audra Benoit **Phone:** (409) 899-8799

Site and Owner/Operator History:

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

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

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

1 Effective Date: 10/25/2007 ADMINORDER 2007-0203-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Rqmt Prov: O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP

Description: Failure to properly report an emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8404 Special Condition 9 PERMIT
O-1386 General Terms and Conditions OP
O-1386 Special Condition 2F OP
Description: Failure to maintain an emission rate below the allowable emission limits.

2 Effective Date: 11/09/2007 ADMINORDER 2006-0613-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition XII-13 PERMIT
8404, Special Condition XII-4 PERMIT
Description: Failure to maintain the SO2 concentration below the maximum allowable limit.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.

3 Effective Date: 02/18/2008 ADMINORDER 2005-2011-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(7)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to properly notify the Beaumont Regional Office concerning a reportable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain an emission rate below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 116, SubChapter G 116.721(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 7A PERMIT
8404, Special Condition 9 PERMIT
Description: Failure to properly operate the FCCU3 Flare (EPN: EFCCU3).

4 Effective Date: 04/14/2008 ADMINORDER 2007-1335-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 5 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failed to comply with opacity limits.

5 Effective Date: 06/19/2008 ADMINORDER 2006-1513-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to obtain authorization for the CO emissions from the MPU No. 3 Extract Heater (EPN: SMPU3-2) and the MPU No. 3 Refined Oil Mix Heater (EPN: SMPU3-1).
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to maintain emission rates below the allowable emission limits.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 6F PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to paint completely white the uninsulated tank exterior surfaces exposed to the sun on Tanks 19272, 19273, 1250, 1251, 1247, 1248, 1254, 1699, 1526, and 14824.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
Description: Failure to timely report 12 deviations during three semi-annual deviation reports. Two of the reports additionally were missing corrective action information for two reported deviations.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(C)
30 TAC Chapter 106, SubChapter T 106.454(1)(E)
30 TAC Chapter 106, SubChapter T 106.454(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 17 OP
Description: Failure to properly operate facility degreasing units.
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(v)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP
Description: Failure to maintain a record of the repair monitoring for a leaking fugitive component.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP
Description: Failure to seal 67 open-ended lines with a cap, plug, or blind flange.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 8404, Special Condition 79 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to conduct daily hand gauging and hydrocarbon checks via tricocks once per shift.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(e)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP
Description: Failure to maintain a record of fugitive montiroing components 19992, 19993 and 19994 in the fugitive monitoring database.

6 Effective Date: 07/03/2008 ADMINORDER 2007-1497-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: 6056, General Condition 8 PERMIT
8404, Special Condition 9 PERMIT
O-01386, General Terms and Conditions OP
Description: Failed to comply with permitted emissions limits for NOx.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: O-01386, Special Condition 3B(iii) OP
Description: Failure to perform quarterly opacity observations of all stationary vents.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify

compliance in Annual Compliance Certifications.
Classification: Moderate

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Description: Failure to perform monthly drain inspections.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failure to perform monthly monitoring of the ALKY Cooling Tower (EPN: FKFCCU1 and 2).

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 31A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to perform monthly monitoring of the HTU3 Cooling Tower (EPN: FKHTU3).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU, HTU4, FCCU3 and ALKY flares.

Classification: Moderate

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

Rqmt Prov: 8404/PSD-TX-1062, Special Condition 38A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for SO2 and NOx from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2).

Classification: Moderate

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

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

Description: Failure to perform monthly monitoring of a leaking valve.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 6056, General Condition 8 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Special Condition 16A PERMIT
Description: Failure to maintain the Carbon Monoxide (CO) emission rate at Boiler 29 below the allowable emission limit.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 6056, General Condition 8 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to maintain emission rates below the allowable annual emission limits at Boiler 29, Boiler 32, and Boiler 33.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(c)(1)
4F TWC Chapter 63, SubChapter A 63.157
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
Description: Failure to conduct the performance testing of the Continuous Catalytic Regenerator (CCR) operations at CRU4, specifically the CRU4 Caustic HCl Scrubber.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(C)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
Description: Failure to properly report a June 2-3, 2008, emissions event.

9 Effective Date: 10/25/2010 ADMINORDER 2010-0381-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8404/PSD-TX-1062, General Condition 8 PERMIT
8404/PSD-TX-1062, Special Condition 1 PERMIT
O-01386, General Terms and Conditions OP
Description: Failure to comply with the permitted Nitrogen Oxides (NOx) emission limit for the Lube Hydrogen Cracking Unit (LHCU) Prefractionator Heater.
Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.145(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-01386, General Terms and Conditions OP
O-01386, Special Condition 1A OP
Description: Failure to submit the Boiler 35 Continuous Emission Monitoring Systems (CEMS) Relative Accuracy Test Audit

(RATA) within 60 days.
Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 106, SubChapter A 106.6(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16 OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failure to maintain the CO emissions rate below the allowable emission limit at the CRU4 Combined Heater Stack (EPN: SCRU4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

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

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

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

Classification: Moderate

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

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

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

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

Classification: Minor

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

Rqmt Prov: FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 2F OP

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

Classification: Moderate

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

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

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

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 20, 2007	(607546)
Item 2	September 17, 2007	(607547)
Item 3	October 23, 2007	(607549)
Item 4	November 05, 2007	(599015)
Item 5	November 16, 2007	(619519)

Item 6	November 28, 2007	(601230)
Item 7	December 17, 2007	(619520)
Item 8	January 13, 2008	(599244)
Item 9	January 14, 2008	(573909)
Item 10	January 25, 2008	(619518)
Item 11	March 17, 2008	(672035)
Item 12	April 16, 2008	(636445)
Item 13	April 28, 2008	(636501)
Item 14	May 13, 2008	(689954)
Item 15	May 30, 2008	(681425)
Item 16	June 07, 2008	(559928)
Item 17	July 25, 2008	(637867)
Item 18	August 04, 2008	(688786)
Item 19	August 18, 2008	(687784)
Item 20	August 20, 2008	(710734)
Item 21	August 26, 2008	(435405)
Item 22	August 27, 2008	(689025)
Item 23	September 16, 2008	(710733)
Item 24	October 27, 2008	(706417)
Item 25	November 14, 2008	(727483)
Item 26	November 18, 2008	(684387)
Item 27	December 18, 2008	(750270)
Item 28	December 19, 2008	(721889)
Item 29	February 16, 2009	(750266)
Item 30	March 18, 2009	(750267)
Item 31	April 14, 2009	(750269)
Item 32	April 17, 2009	(735807)
Item 33	May 14, 2009	(768349)
Item 34	June 10, 2009	(768350)
Item 35	July 08, 2009	(743065)
Item 36	July 28, 2009	(762778)
Item 37	July 29, 2009	(762779)
Item 38	August 11, 2009	(804648)
Item 39	August 26, 2009	(763405)
Item 40	September 15, 2009	(804649)
Item 41	September 22, 2009	(763792)
Item 42	October 05, 2009	(765337)
Item 43	October 14, 2009	(804650)
Item 44	October 29, 2009	(776147)
Item 45	November 05, 2009	(776148)
Item 46	November 12, 2009	(776479)
Item 47	November 13, 2009	(804651)
Item 48	December 15, 2009	(804652)
Item 49	January 05, 2010	(786191)
Item 50	January 06, 2010	(784719)
Item 51	January 07, 2010	(786188)
Item 52	January 13, 2010	(804653)
Item 53	February 08, 2010	(790438)
Item 54	February 12, 2010	(776149)
Item 55	February 18, 2010	(785707)
Item 56	February 24, 2010	(790004)
Item 57	March 01, 2010	(787175)
Item 58	March 16, 2010	(830881)
Item 59	March 23, 2010	(791693)
Item 60	April 13, 2010	(830882)
Item 61	May 10, 2010	(830883)
Item 62	May 26, 2010	(798314)
Item 63	June 03, 2010	(803496)
Item 64	June 15, 2010	(846268)
Item 65	June 24, 2010	(826000)

Item 66	July 05, 2010	(829489)
Item 67	July 15, 2010	(860862)
Item 68	August 19, 2010	(866829)
Item 69	August 31, 2010	(848673)
Item 70	September 16, 2010	(873900)
Item 71	October 15, 2010	(881501)
Item 72	November 15, 2010	(865974)
Item 73	November 17, 2010	(888030)
Item 74	December 20, 2010	(896239)
Item 75	December 21, 2010	(884947)
Item 76	January 03, 2011	(884857)
Item 77	January 19, 2011	(891548)
Item 78	January 20, 2011	(902305)
Item 79	January 21, 2011	(891647)
Item 80	February 01, 2011	(880655)
Item 81	February 14, 2011	(909084)
Item 82	February 15, 2011	(894736)
Item 83	February 21, 2011	(899503)
Item 84	February 23, 2011	(899893)
Item 85	March 18, 2011	(916343)
Item 86	March 22, 2011	(901784)
Item 87	April 18, 2011	(924807)
Item 88	May 12, 2011	(906804)
Item 89	May 13, 2011	(938025)
Item 90	June 13, 2011	(945348)
Item 91	July 01, 2011	(936394)
Item 92	July 19, 2011	(952622)
Item 93	August 09, 2011	(959303)
Item 94	August 15, 2011	(948878)
Item 95	August 24, 2011	(948863)
Item 96	August 30, 2011	(951060)
Item 97	September 14, 2011	(965336)
Item 98	October 12, 2011	(951037)
Item 99	October 17, 2011	(971376)
Item 100	November 16, 2011	(977535)
Item 101	December 19, 2011	(984303)
Item 102	January 09, 2012	(976534)
Item 103	January 11, 2012	(976876)
Item 104	February 20, 2012	(997965)
Item 105	February 27, 2012	(989102)
Item 106	February 28, 2012	(989101)
Item 107	February 29, 2012	(989539)
Item 108	March 20, 2012	(1003489)
Item 109	April 21, 2012	(1010053)
Item 110	May 24, 2012	(1007755)
Item 111	May 29, 2012	(1007168)
Item 112	May 30, 2012	(1007271)
Item 113	June 08, 2012	(1009200)
Item 114	June 20, 2012	(1013221)
Item 115	June 23, 2012	(1009928)
Item 116	July 10, 2012	(1015329)
Item 117	July 16, 2012	(1015617)
Item 118	July 17, 2012	(1015681)
Item 119	July 19, 2012	(1015036)
Item 120	August 07, 2012	(1021223)

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

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

1 Date: 08/15/2007 (571469)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 20 PERMIT
8404, Special Condition 21 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to monitor the pilot flame at the CRU4 Flare.

2 Date: 08/15/2007 (544000) CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.648(a)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 10E PERMIT
8404, Special Condition 11E PERMIT
8404, Special Condition 14 PERMIT
8404, Special Condition 16 PERMIT
8404, Special Condition 20 PERMIT
8404, Special Condition 23 PERMIT
8404, Special Condition 38 PERMIT
8404, Special Condition 56 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
8404, Special Condition 16 PERMIT
8404, Special Condition 56 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to monitor the pilot flame at the ALKY and HCU flares.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01386, General Terms and Conditions OP

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

3 Date: 09/30/2007 (607548) CN600124051

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

4 Date: 12/11/2007 (609847) CN600124051

Self Report? NO Classification: Minor

Citation: M&RR 3c PERMIT

Description: Failure by Motiva Enterprises LLC. to maintain complete records of calibration.

Self Report? NO Classification: Minor

Citation: OpR 1 PERMIT

Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO Classification: Moderate

Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO Classification: Moderate

Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO Classification: Minor

Citation: OpR 1 PERMIT
Description: Failure by Motiva Enterprises LLC. to properly maintain all units of collection, treatment and disposal.
Self Report? NO Classification: Moderate

Citation: PC 2g PERMIT
Description: Failure by Motiva Enterprises LLC. to prevent unauthorized discharges into or adjacent to waters of the state.

5 Date: 12/21/2007 (635943) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

6 Date: 01/31/2008 (672034) CN600124051
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

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

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

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

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

11 Date: 02/13/2009 (721980) CN600124051
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP

Description: Failure to properly report an emissions event (Incident 117334).

12 Date: 03/31/2009 (750268) CN600124051

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

13 Date: 08/19/2009 (736499) CN600124051

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP

Description: Failure to determine the estimated total quantity of emissions released during a non-reportable emissions event.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 31A PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to properly monitor facility cooling towers according to TCEQ Sampling Procedures Manual, Appendix P.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the CRU4 Flare (EPN: ECRU4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the LHCU Flare (EPN: EHCU).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the HTU4 Flare (EPN: EHTU).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the VPS4 Flare (EPN: EVPS4).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

Description: Failure to maintain emission rates below the allowable annual emission limits at SCDHDS Heater 1 (EPN: SCDHDS-1).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, SC 57B(2) PERMIT
8404/PSD-TX-1062, Special Condition 56B PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to conduct the daily zero and span calibrations of the CRU4 Flue Gas Stack NOx CEMS.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 23 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to properly control sour gas emissions during sulfur truck loading.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the DCU Flare (EPN: EDCU1).

EIC B1 MOD 2B

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 55B PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to perform monthly visual inspections in July 2008.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to operate the VPS4 Flare (EPN: EVPS4) with a pilot flame.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to maintain the Ammonia (NH3) slip below the allowable emission limit.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the ALKY Flare (EPN: EFCCU1&2).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 5B PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to continuously monitor the pilot flame at the FCCU3 Flare (EPN:

EFCCU3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter B 117.145
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP
O-01386, Special Condition 1A OP

Description: Failure to report CEMS performance and excess emissions in the correct format.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 52E PERMIT
O-01386, General Terms and Conditions OP
O-01386, Special Condition 16A OP

Description: Failure to submit the HTU5 Charge Heater initial compliance testing reporting within 45 days.

14 Date: 01/31/2010 (804647) CN600124051

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

15 Date: 03/11/2010 (792029) CN600124051

Self Report? NO Classification: Minor

Citation: ELMR PERMIT

Description: Failure by Motiva Enterprises, LLC to notify the Regional Office 45 days prior to Outfall 003 activation or the anticipated discharge.

Self Report? NO Classification: Minor

Citation: MRR PERMIT

Description: Failure by Motiva Enterprises, LLC to provide the 24-hour notice and five-day written report within the proper timelines for an unauthorized discharge.

Self Report? NO Classification: Moderate

Citation: PC PERMIT

Description: Failure by Motiva Enterprises, LLC to prevent an unauthorized discharge of wastewater into or adjacent to water of the state.

Self Report? NO Classification: Moderate

Citation: ELMR PERMIT

Description: Failure by Motiva Enterprises, LLC to discharge compliant effluent with the total organic carbon daily maximum permit limit at Outfall 008.

Self Report? NO Classification: Minor

Citation: MRR PERMIT

Description: Failure by Motiva Enterprises, LLC to retain monitoring and reporting records for three years.

Self Report? NO Classification: Minor

Citation: OpR PERMIT

Description: Failure by Motiva Enterprises, LLC to properly operate and maintain units of collection and treatment.

Self Report? NO Classification: Moderate

Citation: PC PERMIT

Description: Failure by Motiva Enterprises, LLC to prevent unauthorized discharge of wastewater into or adjacent to water in the state.

Self Report? NO Classification: Minor

Citation: OpR PERMIT

Description: Failure by Motiva Enterprises, LLC to properly operate and maintain units of treatment and collection.

Self Report? NO Classification: Minor

Citation: OpR PERMIT

Description: Failure by Motiva Enterprises, LLC to properly operate and maintain units of treatment and collection.

Self Report? NO Classification: Minor

Citation: ELMR PERMIT

Description: Failure by Motiva Enterprises, LLC to collect samples in accordance with the permit frequency.

Self Report? NO Classification: Minor

Citation: OT PERMIT

Description: Failure by Motiva Enterprises, LLC to submit the statement, "The reported value of zero for (parameter) on the self-reporting form for (date range) is based on the following conditions: 1) the analytical method used had a method detection level as sensitive as the MAL specified in the permit, and 2) the analytical results contained no detectable levels above the specified MAL", on the discharge monitoring report (DMR) when reporting a zero.

Self Report? NO Classification: Minor

Citation: MRR PERMIT

Description: Failure by Motiva Enterprises, LLC to comply with test procedures specified in 30 TAC 319.11 - 319.12.

16 Date: 03/23/2010 (787899)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01386, General Terms and Conditions OP
O-01386, Special Condition 2F OP
O-01386, Special Condition 2I OP

Description: Failure to properly submit an initial notification and the final report for an emissions event.

17 Date: 08/26/2010 (848872) CN600124051

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Permit 8404/PSD-TX-1062, SC 23 PERMIT

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

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 38 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to comply with the permitted hourly maximum allowable concentrations for CO from the FCCU regeneration vent/vent gas stack (EPN: SFCCU3-2). EIC

B13 MOD2(D)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 22 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to comply with the 250 ppmv 12 hour emission limit for SO2 at TGTU1 and TGTU2. EIC B13 MOD(2)(D)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.142(1)(H)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(3)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to repair a seal within the required time frame. EIC C4 MIN(3)(A)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.142(1)(B)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 72 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to properly seal the sump cover seal at HTU4 DO and the Lube Train Rich Amine Unit. EIC C4 MIN(3)(D)

Self Report? NO Classification: Moderate

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

Description: Failure to continuously operate with a flame present at the CRU4, LHCU, FCCU3, and ALKY flares. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 20 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 15 OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the SRU Incinerator Vent (EPN: STGTU-1) firebox temperature above 1200 degrees Fahrenheit. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate

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

Description: Failure to make a first attempt at repair of a leaking component within 5 days of

discovery. EIC C4 MOD(2)(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1567(a)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 55B PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the scrubbing solution at the CRU4 Caustic (HCl) Scrubber at or above a pH of 7.0. EIC B18 MOD(2)(G)

Self Report? NO Classification: Moderate

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

Description: Failure to continuously monitor the pilot flame at the CRU4 flare. EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP

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

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

Self Report? NO Classification: Minor

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

FOP 1386, Special Condition 1A OP

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

8404/PSD-TX-1062, Special Condition 6 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 57F PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

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

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to make a final repair on a leaking component within 15 days after discovery. EIC C4 MOD(2)(G)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 10 PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to perform monthly water seal inspections at the FCCU3 Unit. EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 57E PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to submit notification 30 days prior to conducting RATAs. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(h)(2)(i)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to submit annual tank inspection report within 30 days after the inspection and to submit 30 day notifications prior to refilling tanks. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate

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

Description: Failure to continuously monitor the pilot flame at the ALKY Flare (EPN: EFCCU1&2), FCCU3 Flare (EPN: EFCCU3), VPS4 Flare (EPN: EVPS4), and the LHCU Flare (EPN: EHCU). EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
54322 PERMIT
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the Ammonia (NH3) emissions rate below the allowable emission limit at the Waste Heat Boiler Stack, Emission Point Number (EPN) WHB37SCR. EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.217(a)(2)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to submit to the executive director an application for a minor permit revision before the change is operated. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP

Description: Failure to accurately certify a compliance certification. EIC B3 MOD(2)(B)

20 Date: 08/26/2011 (914048) CN600124051

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.14(c)
P.P. III. C. 2. SECURITY PERMIT

Description: Failure to place sufficient number of signs that read "Danger - Unauthorized Personnel Keep Out" at all access points and barriers of active waste management portions.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 335, SubChapter H 335.261(b)(31)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33(d)(1)

Description: Failure to properly contain all (eight) "Universal Waste - Lamps" in containers or

packages that are structurally sound and adequate to prevent breakage.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failure to store hazardous waste (expired lab chemicals) within the allowed accumulation time of less than 90 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9

Description: Failure to provide to the TCEQ, industrial and hazardous solid waste records, such as the inventory list of expired lab chemicals and recycled expired lab chemicals records.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 327 327.5(a)
P.P. III. E. 2. PERMIT

Description: Failure to immediately initiate clean-up of waste residue when a leak of quench water impacted the tank wall of Quench Water Tank No.: 1830.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(A)

Description: Failure to maintain two universal waste containers closed, except when necessary to add or remove waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)

Description: Failure to properly label two universal waste containers with the words "Universal Waste - Paint and Paint -Related Wastes".

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 330, SubChapter Y 330.1207(c)(4)

Description: Failure to conspicuously mark the outer container with a warning legend that must appear in English and in Spanish, along with the international symbol for biohazardous material.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 327 327.5(a)
Permit 50188, P.P. III.E.2 PERMIT

Description: Failure to immediately initiate clean-up of two spills of hydrocarbon at the side and rear of the BS&W loading rack.

21 Date: 12/31/2011 (990604) CN600124051

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

22 Date: 04/12/2012 (993982) CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 12E PERMIT
8404/PSD-TX-1062, Special Condition 71 PERMIT
8404/PSD-TX-1062, Special Condition 73 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 1A OP

Description: Failure to properly seal several open-ended lines with a cap, plug, or blind flange. EIC C10 MOD2(G)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the Nitrogen oxides (NOx) emission rate below the allowable emission limit at the Vacuum Pipe Still 4 (VPS4) Combined Heater Stack (EPN: SVPS4-7). EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
6056/PSD-TX-1062-M1,Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 3387, General Terms and Conditions OP
FOP 3387, Special Condition 18 OP

Description: Failure to maintain the Sulfur dioxide (SO2) emission rate below the allowable emission limit at the Emission Point Numbers (EPNs): SCRU4-1, SPS3-2, SVPS4-2, SVPS4-3, SVPS4-5, and SVPS4-6. EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate

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

Description: Failure to continuously operate with a flame present at the VPS4 and Hydrogen Treating Unit (HTU) flares. EIC B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate

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

Description: Failure to continuously monitor the pilot flame at the Delayed Coking Unit 1 (DCU1) Flare (EPN: EDCU1). EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain TPY below the permitted limit for EPNs: SVPS4-4, SVPS4-1, and TK 1945. EIC B18 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
FOP 1386, General Terms and Conditions OP

Description: Failure to submit an Annual Compliance Certification (ACC) report within 30 days after the end of the reporting period.
B3 MOD(2)(B)

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

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

F. Environmental audits:

Notice of Intent Date: 08/01/2007 (518396)
Disclosure Date: 11/05/2007
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 8404 PSD-TX-1062
Description: Exceeded the represented emission limits in the MAERT.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to include emissions inventory data in annual EIQ related to vent gas, and emission calculations for VPS4 heaters were lower than stack test indicated, and for fuel gas heating values for all cumbustion units burning fuel gas.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
Description: Failure to include deviations from the 11/05/07 and 02/14/08 disclosures in the semi-annual and annual deviation reports.

Notice of Intent Date: 10/29/2007 (601277)
No DOV Associated

Notice of Intent Date: 10/29/2007 (601279)
No DOV Associated

Notice of Intent Date: 06/16/2008 (684982)
Disclosure Date: 11/05/2008
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
Description: Failure to install locks on bypass valves on some benzene NESHAP carbon vessel systems.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351
Description: Failure to perform primary seal gap measurements on external floating roof tanks every 5 years.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386 SC15
Description: Failure to peform annual tank vapor recovery visual inspections.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)
Description: Failure to maintain monthly records of total solvent makeup for degreasers; amount brought in and amount evaporated.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC72
Description: Failure to total MSS emissions on a 12 month rolling basis instead of a 12 month block basis.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT 01386, SC69
Description: Failure to perform emissions cap calculations on quarterly basis to verify emissions did not exceed permit requirements or 12 month rolling average limits.

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

Notice of Intent Date: 08/21/2008 (702667)
Disclosure Date: 11/08/2008
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349
Description: Failure to install locks on bypass valves on some Benzene NESHAP carbon vessel systems.
Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT K 60.113(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.351

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386, SC15

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 01386 SC62 and SC69

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 8404 SC2F

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

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT 01386 SC 7

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

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

Disclosure Date: 03/10/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146

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

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

No DOV Associated

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

No DOV Associated

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

No DOV Associated

G. Type of environmental management systems (EMSs):

1	08/31/2004	01/01/2012	ENVIRONMENTAL MANAGEMENT SYSTEM	NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING MOTIVA ENTERPRISES LLC RN100209451	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2012-1628-AIR-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 Motiva Enterprises LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 2555 Savannah Avenue in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. 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 July 22, 2012, August 12, 2012 and 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-Eight Thousand Six Hundred Eighty-Eight Dollars ($28,688) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Four Hundred Seventy-Six Dollars ($11,476) of the administrative penalty and Five Thousand

Seven Hundred Thirty-Seven Dollars ($5,737) 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. Eleven Thousand Four Hundred Seventy-Five Dollars ($11,475) 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 recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. By July 14, 2012, instituted an alarm strategy basis on the level instrumentation associated with the bypass stack water seal drum to prevent the recurrence of emissions events due to the same causes as Incident No. 166765; and

   b. By August 19, 2012, trained and certified personnel to use the equipment associated with the instrument protective function ("IPF") and to ensure the maintenance bypass is properly evaluated to prevent the recurrence of emissions events due to the same causes as Incident No. 168982.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and (c)(7), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16A, and Flexible Permit Nos. 8404 and PSDTX1062M1, Special Conditions ("SC") No. 1, as documented

during a record review conducted on May 30, 2012. Specifically, the Respondent released 603.3 pounds ("lbs") of sulfur dioxide ("SO2"), 22.8 lbs of nitrogen oxides ("NOx"), and 441.9 lbs of carbon monoxide ("CO") from the Fluid Catalytic Cracking Unit 3, Emission Point Number ("EPN") SFCCU3-2, during an avoidable emissions event (Incident No. 166765) that began on April 3, 2012 and lasted 30 minutes. The event occurred during a planned maintenance activity on the overflow line of the Bypass Stack Water Seal Drum. The butterfly valve on the Waste Heat Boiler inlet closed, sending untreated regenerator flue gas to the bypass stack. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O3387, GTC and STC No. 18, and Air Permit Nos. 6056 and PSDTX1062M1, SC Nos. 1 and 5, as documented during a record review conducted on July 12, 2012. Specifically, the Respondent released 6,863 lbs of SO2, 174.41 lbs of hydrogen sulfide ("H2S"), 299 lbs of NOx, 762 lbs of CO, and 262.55 lbs of volatile organic compounds from the Hydrocracking Unit 2 ("HCU2") Flare, EPN EHCU2, during an avoidable emissions event (Incident No. 168982) that began on May 28, 2012, and lasted 12 minutes. The event occurred when the temperature indicators were found to be reading backwards. Upon reconnection, the change in values caused a false high rate of rise to be observed in the reactor and an IPF was initiated which caused Reactor 2 to be immediately shut down and depressured to the HCU2 Flare. Since this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085, FOP No. O3387, GTC and STC No. 18, and Air Permit Nos. 6056 and PSDTX1062M1, SC No. 1, as documented during a record review on July 12, 2012. Specifically, the Respondent released 18,729 lbs of SO2 (Incident No. 168615) during an emissions event that began on May 18, 2012 and lasted 11 hours. The event occurred during a scheduled stack test at Boiler 46. The Boiler was being fired with refinery fuel gas which showed low H2S on its Continuous Monitoring System analyzer. It was determined after the fuel gas was sampled that the total sulfur content showed higher than expected results and the presence of Dimethyl Disulfide. HCU2 was undergoing a sulfiding process of its catalyst during the same time period. Since the emissions could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2012-1628-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Four Hundred Seventy-Five Dollars ($11,475) 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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement procedures to prevent recurrence of emissions events due to similar causes as Incident No. 168615; and

   b. Within 45 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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. 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

For the Executive Director

8/13/13
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.

Signature

Apr 17/13
Date

Greg Willms
Name (Printed or typed)
Authorized Representative of
Motiva Enterprises LLC

General 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: 2012-1628-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises LLC**
Penalty Amount:	**Twenty-Two Thousand Nine Hundred Fifty-One Dollars ($22,951)**
SEP Amount:	**Eleven Thousand Four Hundred Seventy-Five Dollars ($11,475)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Recipient:	**Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program**
Location of SEP:	**Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas**

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

1. Project Description

a. Project

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party 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 amount to the Third-Party Recipient. Respondent shall mail the contribution, with a copy of the Agreed Order to:

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

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party 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 payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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