Executive Summary – Enforcement Matter – Case No. 48031
Motiva Enterprises LLC
RN100209451
Docket No. 2013-2189-AIR-E

Order Type:
Findings Agreed Order
Findings Order Justification:
Unauthorized emissions which are excessive emissions events.
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. 2013-0885-AIR-E and 2014-0336-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: April 4, 2014
Comments Received: No

Penalty Information

Total Penalty Assessed: $50,438
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $25,219
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $25,219
Name of SEP: Southeast Texas Regional Planning Commission
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: $37,500
Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: October 31, 2013
Date(s) of NOE(s): December 6, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, Air Permit Nos. 8404 and PSD-TX1062M1, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit an initial notification for an emissions event within 24 hours of discovery [30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP Permit No. O1386, GTC and STC No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

a. On October 1, 2013, implemented emission calculation templates to better determine the approximate emissions from an event within the required timeframe. Also, instructed emission calculation preparers to provide best conservative estimates for emissions from events when calculations of actual emissions will extend beyond the 24-hour period of discovery for the event; and

b. On November 28, 2013, put into operation an auto start feature on the spare and auxiliary lube oil pumps for the combustion air blower at Fluidized Catalytic Cracking Unit No. 3 Regenerator in order to prevent the recurrence of emissions events due to same or similar causes as Incident No. 188699.

Technical Requirements:

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

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Amancio Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; 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: 2013-2189-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises LLC**
Penalty Amount:	**Fifty Thousand Four Hundred Thirty-Eight Dollars ($50,438)**
SEP Offset Amount:	**Twenty-Five Thousand Two Hundred Nineteen Dollars ($25,219)**
Type of SEP:	**Contribution to a Third-Party Administrator SEP**
Third-Party Administrator:	**Southeast Texas Regional Planning Commission**
Project Name:	***West Port Arthur Home Energy Efficiency Program - Lighthouse Program***
Location of SEP:	**Jefferson County**

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator

will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES

Assigned	9-Dec-2013				
PCW	12-Dec-2013	**Screening**	11-Dec-2013	**EPA Due**	12-Sep-2014

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.	48031	**No. of Violations**	2
Docket No.	2013-2189-AIR-E	**Order Type**	Findings
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Nadia Hameed
		EC's Team	Enforcement Team 5

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

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) ***Subtotal 1*** **$50,250**

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*** **$50,250**

Notes: Enhancement for three NOVs with same/similar violations, ten orders with denial of liability, and one order without denial of liability. Reduction for seven notices of intent to conduct an audit, two 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*** **$12,562**

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

Total EB Amounts $46

Approx. Cost of Compliance $5,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 ***Final Subtotal*** **$87,938**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$87,938**

STATUTORY LIMIT ADJUSTMENT ***Final Assessed Penalty*** **$50,438**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$50,438**

Screening Date 11-Dec-2013 **Docket No.** 2013-2189-AIR-E **PCW**

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

Case ID No. 48031 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*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)*	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	2	-4%

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

Adjustment Percentage (Subtotal 2) 219%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, ten orders with denial of liability, and one order without denial of liability. Reduction for seven notices of intent to conduct an audit, two disclosures of violations, and an environmental management system.

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

>> Final Compliance History Adjustment

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

Screening Date 11-Dec-2013 **Docket No.** 2013-2189-AIR-E **PCW**

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

Case ID No. 48031 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, Air Permit Nos. 8404 and PSD-TX1062M1, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 73,216.3 pounds ("lbs") of carbon monoxide ("CO"), from the Fluidized Catalytic Cracking Unit No. 3 ("FCCU3") Regenerator, Emissions Point Number ("EPN") SFCCU3-2; and 86.7 lbs of CO, 5.2 lbs of hydrogen sulfide, 12 lbs of nitrogen oxides, and 478.7 lbs of sulfur dioxide from the Alkylation Unit Flare Stack, EPN EFCCU1&2, during an emissions event (Incident No. 188699) that began on September 23, 2013 and lasted for 41 hours and 33 minutes. The emissions event occurred when an air blower tripped during a start-up. Since this emissions event was reported late, 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 100.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment $0

$25,000

Violation Events

Number of Violation Events 2 | 2 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $50,000

Two daily events are recommended.

Good Faith Efforts to Comply

25.0% Reduction $12,500

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

Notes: The Respondent completed the corrective actions on November 28, 2013, prior to the December 6, 2013 NOE.

Violation Subtotal $37,500

Economic Benefit (EB) for this violation

Estimated EB Amount $45

Statutory Limit Test

Violation Final Penalty Total $87,500

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

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 48031
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$5,000	23-Sep-2013	28-Nov-2013	0.18	$45	n/a	$45

Notes for DELAYED costs: Estimated cost to make operational an auto start feature on the spare and the auxiliary lube oil pumps for the combustion air blower at FCCU3 to prevent the recurrence of emissions events due to same or similar causes as Incident No. 188699. The Date Required is the date the emissions event began. The Final Date is the date that corrective actions were completed.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance $5,000

TOTAL $45

Screening Date 11-Dec-2013 **Docket No.** 2013-2189-AIR-E **PCW**

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

Case ID No. 48031 *PCW Revision August 3, 2011*

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), FOP Permit No. O1386, GTC and STC No. 2F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial notification for an emissions event within 24 hours of discovery. Specifically, the initial notification for Incident No. 188699 was due by September 24, 2013 at 2:27 p.m. but was not submitted to the TCEQ until September 25, 2013 at 5:31 p.m.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Harm: Moderate	Harm: Minor
OR	Actual			
	Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes: At least 70 percent of the rule requirement was met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events 1 | 2 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended for the one late notification.

Good Faith Efforts to Comply

25.0% Reduction $62

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

Notes: The Respondent completed the corrective actions on October 1, 2013, prior to the December 6, 2013 NOE.

Violation Subtotal $188

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $438

This violation Final Assessed Penalty (adjusted for limits) $438

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 48031
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 2

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	$500	24-Sep-2013	1-Oct-2013	0.02	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement emission calculation templates to better determine the approximate emissions from an event within the required time frame in order to prevent the late reporting of emissions events. The Date Required is the date the initial notification was due. The Final Date is the date that corrective actions were completed.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance $500

TOTAL $0

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

TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600124051, RN100209451, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600124051, Motiva Enterprises LLC	**Classification:** SATISFACTORY	**Rating:** 4.08
Regulated Entity:	RN100209451, PORT ARTHUR REFINERY	**Classification:** SATISFACTORY	**Rating:** 12.51

Complexity Points: 53 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 2555 SAVANNAH AVE PORT ARTHUR, TX 77640-3672, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0095D
AIR OPERATING PERMITS PERMIT 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 REGISTRATION 7160
AIR NEW SOURCE PERMITS REGISTRATION 7304
AIR NEW SOURCE PERMITS REGISTRATION 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 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 13313
AIR NEW SOURCE PERMITS REGISTRATION 13534
AIR NEW SOURCE PERMITS REGISTRATION 14363
AIR NEW SOURCE PERMITS REGISTRATION 14493
AIR NEW SOURCE PERMITS REGISTRATION 15717
AIR NEW SOURCE PERMITS REGISTRATION 16221
AIR NEW SOURCE PERMITS REGISTRATION 54322
AIR NEW SOURCE PERMITS AFS NUM 4824500020
AIR NEW SOURCE PERMITS REGISTRATION 109665
AIR NEW SOURCE PERMITS REGISTRATION 52468
AIR NEW SOURCE PERMITS REGISTRATION 77681
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062
AIR NEW SOURCE PERMITS REGISTRATION 26297
AIR NEW SOURCE PERMITS REGISTRATION 87900
AIR NEW SOURCE PERMITS REGISTRATION 89842
AIR NEW SOURCE PERMITS REGISTRATION 93407
AIR NEW SOURCE PERMITS REGISTRATION 96078
AIR NEW SOURCE PERMITS REGISTRATION 96991
AIR NEW SOURCE PERMITS REGISTRATION 101826
AIR NEW SOURCE PERMITS REGISTRATION 103077
AIR NEW SOURCE PERMITS REGISTRATION 105516
AIR NEW SOURCE PERMITS REGISTRATION 112351
AIR NEW SOURCE PERMITS REGISTRATION 113586
AIR NEW SOURCE PERMITS REGISTRATION 111502
AIR NEW SOURCE PERMITS REGISTRATION 105518
AIR NEW SOURCE PERMITS REGISTRATION 107320
AIR NEW SOURCE PERMITS REGISTRATION 112608
AIR NEW SOURCE PERMITS REGISTRATION 105515
AIR NEW SOURCE PERMITS REGISTRATION 109653
AIR NEW SOURCE PERMITS REGISTRATION 105522
PETROLEUM STORAGE TANK STAGE II REGISTRATION 57808
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D
POLLUTION PREVENTION PLANNING ID NUMBER P00651
AIR NEW SOURCE PERMITS REGISTRATION 12482
AIR NEW SOURCE PERMITS REGISTRATION 13358
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 52429
AIR NEW SOURCE PERMITS REGISTRATION 75103
AIR NEW SOURCE PERMITS REGISTRATION 77922
AIR NEW SOURCE PERMITS PERMIT 78358
AIR NEW SOURCE PERMITS REGISTRATION 79866L
AIR NEW SOURCE PERMITS REGISTRATION 86268
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M1
AIR NEW SOURCE PERMITS REGISTRATION 95508
AIR NEW SOURCE PERMITS REGISTRATION 100512
AIR NEW SOURCE PERMITS REGISTRATION 101131
AIR NEW SOURCE PERMITS REGISTRATION 102623
AIR NEW SOURCE PERMITS REGISTRATION 109207
AIR NEW SOURCE PERMITS REGISTRATION 109655
AIR NEW SOURCE PERMITS REGISTRATION 109691
AIR NEW SOURCE PERMITS REGISTRATION 105523
AIR NEW SOURCE PERMITS REGISTRATION 105517
AIR NEW SOURCE PERMITS REGISTRATION 105519
AIR NEW SOURCE PERMITS REGISTRATION 106439
AIR NEW SOURCE PERMITS REGISTRATION 112950
AIR NEW SOURCE PERMITS REGISTRATION 112366
AIR NEW SOURCE PERMITS REGISTRATION 105504
STORMWATER PERMIT TXRNEY448
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30121
POLLUTION PREVENTION PLANNING ID NUMBER P06462

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: January 27, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 09, 2008 to December 09, 2013

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

Name: Nadia Hameed **Phone:** (713) 767-3629

Site and Owner/Operator History:

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

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

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

1 Effective Date: 06/18/2010 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.

2 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)

3 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)

4 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.

5 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

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

Classification: Major

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

Classification: Moderate

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

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

7 Effective Date: 06/03/2013 ADMINORDER 2011-1461-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 31B PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the VOC emissions rate below the allowable emission limit at the DCU1 Cooling Tower (EPN: FKDCU1). 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
8404/PSD-TX-1062, Special Condition 40 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to maintain the H2SO4 and VOC emission rate below the allowable emission limit by not routing emissions from the spent acid tanks (EPNs: TAL35142 and TAL35143) to the facility's vapor recovery system. A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121
30 TAC Chapter 122, SubChapter B 122.130(b)
5C THSC Chapter 382 382.054
5C THSC Chapter 382 382.085(b)

Rqmt Prov:8404/PSD-TX-1062, General Condition 11 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP

Description: Failure to obtain a FOP to operate Tank No. 2094. EIC A2(c) MOD(2)(B)

8 Effective Date: 09/30/2013 ADMINORDER 2012-2014-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 335, SubChapter A 335.4(1)

Rqmt Prov:Permit Conditions No. 2.g PERMIT

Description: Failed to prevent the unauthorized discharge of industrial waste.

Classification: Moderate

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

Rqmt Prov:Eff. Lim. & Mon. Reqs. No. 1 PERMIT

Description: Failed to comply with the permitted effluent limitations.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:Operational Reqs. No. 1 PERMIT

Description: Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, extended growth of grass and wooded vegetation was noted in and around impoundment Cell Nos. 2 and 3 (Outfall No. 021).

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:Operational Reqs. No. 1 PERMIT

Description: Failure by Motiva Port Arthur to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, a large build-up of slime was noted on the inner walls of Clarifier D. In addition, the effluent weir ring was not properly leveled and was clogged in places by dead algae.

9 Effective Date: 09/30/2013 ADMINORDER 2012-1628-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
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
Description: Failure to maintain emission rates below the allowable emission limits. 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 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:3387, General Terms and Conditions OP
3387, Special Condition 18 OP
6056/PSD-TX-1062M1, Special Condition 1 PERMIT
6056/PSD-TX-1062M1, Special Condition 5 PERMIT
Description: Failure to maintain emission rates below the allowable emission limits. 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 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:3387, General Terms and Conditions OP
3387, Special Condition 18 OP
6056/PSD-TX-1062M1, Special Condition 1 PERMIT
6056/PSD-TX-1062M1, Special Condition 5 PERMIT
Description: Failure to maintain emission rates below the allowable emission limits. A8(c)(2)(A)(ii) MOD (2)(D)

10 Effective Date: 11/01/2013 ADMINORDER 2013-0304-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 B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:6056/PSD-TX-1062M1 Special Condition 1 PERMIT
O-03387 Special Condition 18 OP
Description: Failed to comply with the permitted NOx emissions rate of 5.22 lbs/hr for EPNs STGTU6-1 and STGTU7-1. Specifically, during stack testing conducted on July 24 through July 27, 2012, it was determined that the NOx emissions rate from EPN STGTU6-1 was 7.095 lbs/hr, resulting in the release of approximately 495 lbs of unauthorized NOx emissions. In addition, the NOx emissions rate from EPN STGTU7-1 was determined to be 5.364 lbs/hr, resulting in the release of approximately 680.83 lbs of unauthori

11 Effective Date: 11/11/2013 ADMINORDER 2013-0551-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
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:GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 16A OP
SC 1A OP
Description: Failure to comply with the 2011 annual emissions rates for five storage tanks.

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 18, 2008	(750270)
Item 2	December 19, 2008	(721889)
Item 3	February 16, 2009	(750266)
Item 4	March 18, 2009	(750267)
Item 5	April 14, 2009	(750269)
Item 6	April 17, 2009	(735807)
Item 7	May 14, 2009	(768349)
Item 8	June 10, 2009	(768350)
Item 9	July 08, 2009	(743065)
Item 10	July 28, 2009	(762778)
Item 11	July 29, 2009	(762779)
Item 12	August 11, 2009	(804648)
Item 13	August 26, 2009	(763405)
Item 14	September 15, 2009	(804649)
Item 15	September 22, 2009	(763792)
Item 16	October 05, 2009	(765337)
Item 17	October 14, 2009	(804650)
Item 18	October 29, 2009	(776147)
Item 19	November 05, 2009	(776148)
Item 20	November 12, 2009	(776479)
Item 21	November 13, 2009	(804651)
Item 22	December 15, 2009	(804652)
Item 23	January 05, 2010	(786191)
Item 24	January 06, 2010	(784719)
Item 25	January 07, 2010	(786188)
Item 26	January 13, 2010	(804653)
Item 27	February 08, 2010	(790438)
Item 28	February 12, 2010	(776149)
Item 29	February 18, 2010	(785707)
Item 30	February 24, 2010	(790004)
Item 31	March 01, 2010	(787175)
Item 32	March 16, 2010	(830881)
Item 33	March 23, 2010	(791693)
Item 34	April 13, 2010	(830882)
Item 35	May 10, 2010	(830883)
Item 36	May 26, 2010	(798314)
Item 37	June 03, 2010	(803496)
Item 38	June 15, 2010	(846268)
Item 39	June 24, 2010	(826000)
Item 40	July 05, 2010	(829489)
Item 41	July 15, 2010	(860862)
Item 42	August 19, 2010	(866829)
Item 43	August 31, 2010	(848673)
Item 44	September 16, 2010	(873900)
Item 45	October 15, 2010	(881501)
Item 46	November 15, 2010	(865974)
Item 47	November 17, 2010	(888030)
Item 48	December 20, 2010	(896239)
Item 49	December 21, 2010	(884947)
Item 50	January 03, 2011	(884857)
Item 51	January 19, 2011	(891548)
Item 52	January 20, 2011	(902305)
Item 53	January 21, 2011	(891647)
Item 54	February 01, 2011	(880655)
Item 55	February 14, 2011	(909084)
Item 56	February 15, 2011	(894736)

Item 57	February 21, 2011	(899503)
Item 58	February 23, 2011	(899893)
Item 59	March 18, 2011	(916343)
Item 60	March 22, 2011	(901784)
Item 61	April 18, 2011	(924807)
Item 62	May 12, 2011	(906804)
Item 63	May 13, 2011	(938025)
Item 64	June 13, 2011	(945348)
Item 65	July 01, 2011	(936394)
Item 66	July 19, 2011	(952622)
Item 67	August 09, 2011	(959303)
Item 68	August 15, 2011	(948878)
Item 69	August 24, 2011	(948863)
Item 70	August 30, 2011	(951060)
Item 71	September 14, 2011	(965336)
Item 72	October 12, 2011	(951037)
Item 73	October 17, 2011	(971376)
Item 74	November 16, 2011	(977535)
Item 75	December 19, 2011	(984303)
Item 76	January 09, 2012	(976534)
Item 77	January 11, 2012	(976876)
Item 78	February 20, 2012	(997965)
Item 79	February 27, 2012	(989102)
Item 80	February 28, 2012	(989101)
Item 81	February 29, 2012	(989539)
Item 82	March 20, 2012	(1003489)
Item 83	April 21, 2012	(1010053)
Item 84	May 24, 2012	(1007755)
Item 85	May 29, 2012	(1007168)
Item 86	May 30, 2012	(1007271)
Item 87	June 08, 2012	(1009200)
Item 88	June 20, 2012	(1013221)
Item 89	June 23, 2012	(1009928)
Item 90	July 10, 2012	(1015329)
Item 91	July 16, 2012	(1015617)
Item 92	July 17, 2012	(1015681)
Item 93	July 19, 2012	(1015036)
Item 94	August 07, 2012	(1021223)
Item 95	August 17, 2012	(1037939)
Item 96	August 21, 2012	(1024044)
Item 97	August 28, 2012	(1027085)
Item 98	August 29, 2012	(1029494)
Item 99	September 17, 2012	(1029492)
Item 100	September 18, 2012	(1031350)
Item 101	September 26, 2012	(1034545)
Item 102	September 28, 2012	(1031002)
Item 103	October 01, 2012	(1024020)
Item 104	October 09, 2012	(1036486)
Item 105	October 10, 2012	(1036175)
Item 106	October 13, 2012	(1027759)
Item 107	October 15, 2012	(1029690)
Item 108	October 19, 2012	(1046671)
Item 109	October 26, 2012	(1030074)
Item 110	November 15, 2012	(1043432)
Item 111	November 19, 2012	(1060871)
Item 112	November 20, 2012	(1042530)
Item 113	December 19, 2012	(1060872)
Item 114	December 27, 2012	(1046511)
Item 115	January 21, 2013	(1078962)
Item 116	January 24, 2013	(1053845)

Item 117	February 05, 2013	(1051301)
Item 118	February 17, 2013	(1078961)
Item 119	February 20, 2013	(1051441)
Item 120	February 21, 2013	(1056295)
Item 121	March 20, 2013	(1059332)
Item 122	March 25, 2013	(1073967)
Item 123	April 04, 2013	(1077185)
Item 124	April 17, 2013	(1095699)
Item 125	May 16, 2013	(1087950)
Item 126	May 20, 2013	(1106624)
Item 127	June 17, 2013	(1110300)
Item 128	July 01, 2013	(1100091)
Item 129	July 12, 2013	(1117184)
Item 130	August 13, 2013	(1103447)
Item 131	August 19, 2013	(1124940)
Item 132	August 23, 2013	(1106435)
Item 133	August 29, 2013	(1113788)
Item 134	September 17, 2013	(1129540)
Item 135	October 03, 2013	(1122073)
Item 136	October 16, 2013	(1135270)
Item 137	October 21, 2013	(1124319)
Item 138	November 14, 2013	(1124564)
Item 139	November 18, 2013	(1140669)
Item 140	November 19, 2013	(1133062)

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: 02/15/2013 (1054456) CN600124051

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 11E PERMIT
SC 16A OP
SC 1A OP

Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 11 PERMIT
SC 16A OP
SC 1A OP
SC 61 PERMIT

Description: Failure to conduct fugitive monitoring on 144 valves in volatile organic compound service.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 1B PERMIT

Description: The facility failed to maintain opacity limits at Boiler 34 (EPN SPS3-4).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)

GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 6 PERMIT
SC 61 PERMIT

Description: Failure to maintain hydrogen sulfide emission rates for multiple sources at the facility.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.44
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 1B PERMIT

Description: Failure to maintain nitrogen oxide limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT D 60.42(a)(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 1B PERMIT

Description: Failure to maintain opacity limits at Boiler 34 (EPN SPS3-4) and Boiler 35 (EPN SP3-5).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 1B PERMIT
SC 9(a) OP

Description: Failure to report an opacity exceedance in the 3rd quarter 2011 CEMS report.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a Semiannual Deviation Report.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

SC 16A OP
SC 1A OP
SC 5B PERMIT
SC 61 PERMIT

Description: Failure to continuously monitor flares to confirm a flame present at all times.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 59 PERMIT
SC 72 PERMIT

Description: Failure to maintain records of Maintenance, Startup, and Shutdown activities involving vacuum trucks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP

Description: Failure to report a deviation in a deviation report.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 20 PERMIT

Description: Failure to maintain 1200 degrees Fahrenheit at Tail Gas Treating Unit No. 1 Incinerator (EPN STGTU-1).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 10 PERMIT
SC 16A OP
SC 1A OP
SC 61 PERMIT

Description: Failure to conduct monthly drain inspections at several units.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-5(e)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 61 PERMIT

Description: Failure to operate a closed vent system with no detectable emissions.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 63 PERMIT

Description: Failure to maintain five Storage Tanks in good condition during the reporting

period of January-June 2012.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 73(C)(3) PERMIT

Description: Failure to monitor carbon canisters on an hourly basis.

Self Report? NO Classification: Minor

Citation: 106.532, Condition (1)(N) PERMIT
30 TAC Chapter 106, SubChapter X 106.532(1)(N)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

GENERAL TERMS AND CONDITIONS OP
SC 16A OP

Description: Failure to maintain proper abatement of wastewater at the Wastewater Treatment Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 72(A) PERMIT

Description: Failure to use a control device while vacuuming gasoline with a vacuum truck.

Self Report? NO Classification: Moderate

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

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

2 Date: 05/01/2013 (1078296) CN600124051

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 25 PERMIT
SC 27 PERMIT

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 29A PERMIT

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

Self Report? NO Classification: Minor

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 29A PERMIT
Description: Failure to conduct weekly hand-gauged checks for hydrocarbons at the Sour Water Stripper Charge Level Tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 1A OP
Description: Failure to report a deviation in a timely manner.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 36A PERMIT
Description: Failure to conduct olfactory, visual and auditory checks for each shift at Sulfur Recovery Units 2, 3 and 4.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 1A OP
Description: Failure to report a deviation in a Semiannual Deviation Report.

3 Date: 08/06/2013 (1101262) CN600124051
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
5C THSC Chapter 382 382.085(b)
SC 14E PERMIT
SC 18 OP
SC 1A OP
Description: Failure to maintain a line with a cap, blind flange, plug, or second valve in volatile organic compound service.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)
5C THSC Chapter 382 382.085(b)
SC 1A OP
Description: Failure to install lock-and-key mechanisms at several units to prevent bypass as reported in the 2nd quarter 2012 Benzene 40 CFR 61, Subpart FF Report.
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)
SC 18 OP
SC 1A OP
SC 54C PERMIT
Description: Failure to conduct daily stain tube testing for ammonia for 5 units for the first 60 days of operation.
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)
SC 18 OP

SC 1A OP
SC 9(A) PERMIT

Description: Failure to maintain 6 parts per million volumetric dry of ammonia at Cogeneration Power Plant 43 and 44 (EPN SPS4-3 and SPS4-4).

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)
SC 1 PERMIT
SC 18 OP
SC 1A OP

Description: Failure to maintain emission limits at Sour Water Tanks 2076, 2077, and 2078.

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)
SC 18 OP
SC 1A OP
SC 25 PERMIT

Description: Failure to prevent leaks at the Sulfur Pit.

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)
SC 18 OP
SC 1A OP
SC 8 PERMIT

Description: Failure to maintain nitrogen oxide emission limits at Coker Heater 2 (EPN DCU2-2).

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)
SC 18 OP
SC 1A OP
SC 8 PERMIT

Description: Failure to maintain carbon monoxide emission limits at Coke Heater 2 (EPN DCU2-2) during a heater trip.

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)
SC 18 OP
SC 1A OP
SC 23 PERMIT

Description: Failure to maintain 99.8% sulfur efficiency at the Sulfur Recovery Units 5 and 7.

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)
SC 18 OP
SC 1A OP
SC 6 PERMIT
SC 61 PERMIT

Description: Failure to maintain hydrogen sulfide emission rates for three heaters at the facility as reported in the 3rd quarter 2012 CEMS Quarterly report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC 18 OP
SC 1A OP

SC 55(A) PERMIT

Description: Failure to conduct a Relative Accuracy Test on a hydrogen sulfide Continuous Emission Monitor at the Fuel Gas Plant as reported in the 4th quarter 2012 CEMS Quarterly report.

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(c)(1)
5C THSC Chapter 382 382.085(b)
SC 18 OP
SC 1A OP
SC 70 PERMIT

Description: Failure to maintain an operating temperature established during performance testing Regenerator Vent at Catalytic Reforming Unit 5 as reported in the Semiannual Report for 40 CFR 63, Subpart UUU.

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)
SC 18 OP
SC 1A OP
SC 72(A) PERMIT

Description: Failure to utilize a control device when operating a vacuum truck.

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)
SC 18 OP
SC 1A OP
SC 8 PERMIT

Description: Failure to maintain carbon monoxide and nitrogen oxide emission rates at the No. 5 Catalytic Reforming Unit Platformer Nos. 1 and 2 Intermediate Heaters (EPN SCRU5-1 and SCRU5-2).

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)
SC 18 OP
SC 1A OP
SC 30 PERMIT

Description: Failure to maintain a 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 J 60.104(a)(1)
5C THSC Chapter 382 382.085(b)
SC 18 OP
SC 1A OP
SC 6 PERMIT

Description: Failure to maintain the hydrogen sulfide emission limit at multiple sources at the facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(p)
5C THSC Chapter 382 382.085(b)
SC 18 OP
SC 1A OP
SC 70 PERMIT

Description: Failure to submit an initial start-up notification of Sour Water Stripper No. 2 and associated fugitives.

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)
SC 18 OP
SC 1A OP
SC 8 PERMIT

Description: Failure to maintain carbon monoxide emission rates at Delayed Coking Unit Coker Heaters No. 1, 2, and 3 (EPNs SDCU2-1, SDCU2-2, and SDCU2-3).

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)
SC 18 OP
SC 1A OP
SC 30 PERMIT

Description: Failure to maintain a retention time of three days at the Sour Water Stripper Surge System.

F. Environmental audits:

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: 06/26/2009 (761937)

Disclosure Date: 03/10/2010
Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146
Description: Failure to monitor for the compliance of two special conditions of the facility NSR permit.

Notice of Intent Date: 07/21/2009 (775779)
No DOV Associated

Notice of Intent Date: 02/24/2011 (905482)
No DOV Associated

Notice of Intent Date: 12/09/2011 (980864)
No DOV Associated

Notice of Intent Date: 10/11/2012 (1051293)
No DOV Associated

Notice of Intent Date: 11/13/2012 (1058513)
No DOV Associated

Notice of Intent Date: 07/08/2013 (1102689)
No DOV Associated

G. Type of environmental management systems (EMSs):

1	ENVIRONMENTAL MANAGEMENT SYSTEM	NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED ORDER
DOCKET NO. 2013-2189-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Motiva Enterprises LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

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

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

3. During a record review conducted on October 31, 2013, TCEQ staff documented that the Respondent released 73,216.3 pounds ("lbs") of carbon monoxide ("CO"), from the Fluidized Catalytic Cracking Unit No. 3 ("FCCU3") Regenerator, Emissions Point Number ("EPN") SFCCU3-2; and 86.7 lbs of CO, 5.2 lbs of hydrogen sulfide, 12 lbs of nitrogen oxides, and 478.7 lbs of sulfur dioxide from the Alkylation Unit Flare Stack, EPN EFCCU1&2, during an emissions event (Incident No. 188699) that began on September 23, 2013 and lasted for 41 hours and 33 minutes. The emissions event occurred when an air blower tripped during a start-up. The TCEQ determined that the emissions event was reported late.

4. During a record review conducted on October 31, 2013, TCEQ staff documented that the initial notification for Incident No. 188699 was due by September 24, 2013 at 2:27 p.m. but was not submitted to the TCEQ until September 25, 2013 at 5:31 p.m.

5. The Respondent received notice of the violations on December 11, 2013.

6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. On October 1, 2013, implemented emission calculation templates to better determine the approximate emissions from an event within the required timeframe. Also, instructed emission calculation preparers to provide best conservative estimates for emissions from events when calculations of actual emissions will extend beyond the 24-hour period of discovery for the event; and

   b. On November 28, 2013, put into operation an auto start feature on the spare and auxiliary lube oil pumps for the combustion air blower at FCCU3 in order to prevent the recurrence of emissions events due to same or similar causes as Incident No. 188699.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O1386, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, Air Permit Nos. 8404 and PSD-TX1062M1, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event was reported late, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit an initial notification for an emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP Permit No. O1386, GTC and STC No. 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Fifty Thousand Four Hundred Thirty-Eight Dollars ($50,438) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Twenty-Five Thousand Two Hundred Nineteen Dollars ($25,219) of the administrative penalty. Twenty-Five Thousand Two Hundred Nineteen Dollars ($25,219) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Fifty Thousand Four Hundred Thirty-Eight Dollars ($50,438) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC, Docket No. 2013-2189-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 the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Twenty-Five Thousand Two Hundred Nineteen Dollars ($25,219) of the assessed administrative penalty shall be

offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

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

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

Pam Mercier
For the Executive Director

5/16/14
Date

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

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

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

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

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

Signature

Feb. 26/14
Date

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

GM
Title

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

Attachment A

Docket Number: 2013-2189-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Motiva Enterprises LLC**
Penalty Amount:	**Fifty Thousand Four Hundred Thirty-Eight Dollars ($50,438)**
SEP Offset Amount:	**Twenty-Five Thousand Two Hundred Nineteen Dollars ($25,219)**
Type of SEP:	**Contribution to a Third-Party Administrator SEP**
Third-Party Administrator:	**Southeast Texas Regional Planning Commission**
Project Name:	***West Port Arthur Home Energy Efficiency Program - Lighthouse Program***
Location of SEP:	**Jefferson County**

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *West Port Arthur Home Energy Efficiency Program - Lighthouse Program* Project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator

will also prepare all contracts with contractors and homeowners; coordinate between the contractors and the homeowners to answer questions; ensure that work is done timely and properly; and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Pamela Lewis, Program Manager
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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