

Executive Summary – Enforcement Matter – Case No. 49471
Motiva Enterprises LLC
RN100209451
Docket No. 2014-1514-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No.: 2014-0837-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 2, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$40,000

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$40,000

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$25,000

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 25, 2014

Date(s) of NOE(s): August 26, 2014

**Executive Summary – Enforcement Matter – Case No. 49471
Motiva Enterprises LLC
RN100209451
Docket No. 2014-1514-AIR-E**

Violation Information

1. Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational practices, 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), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O3387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and New Source Review ("NSR") Permit Nos. 6056 and PSDTX1062M1, Special Conditions ("SC") No. 1].
2. Failed to prevent unauthorized emissions. Since the emissions event could have been avoided by better operational practices, 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), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1386, GTC and STC No. 20, and NSR Permit Nos. 8404 and PSD-TX1062M1, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident Nos. 198547 and 200322; and
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision 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

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Motiva Enterprises LLC
RN100209451
Docket No. 2014-1514-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division,
Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

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

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	2-Sep-2014	Screening	29-Sep-2014	EPA Due	23-May-2015
	PCW	13-Oct-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.	49471	No. of Violations	2
Docket No.	2014-1514-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		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** **\$32,500**

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** **\$32,500**

Notes: Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, 11 orders containing a denial of liability, and three orders without a denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

Culpability **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

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

Total EB Amounts \$896
 Estimated Cost of Compliance \$20,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$65,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$65,000**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$40,000**

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 **\$40,000**

Screening Date 29-Sep-2014

Docket No. 2014-1514-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 49471

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	11	220%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 303%

>> 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 two NOVs with same/similar violations, four NOVs with dissimilar violations, 11 orders containing a denial of liability, and three orders without a denial of liability. Reduction for six notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 303%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 29-Sep-2014

Docket No. 2014-1514-AIR-E

PCW

Respondent Motiva Enterprises LLC

Policy Revision 4 (April 2014)

Case ID No. 49471

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209451

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O3387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and New Source Review ("NSR") Permit Nos. 6056 and PSDTX1062M1, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 17,503.33 pounds ("lbs") of sulfur dioxide, 2,308.60 lbs of hydrogen sulfide, 50.32 lbs of nitrogen oxides, and 26.36 lbs of carbon monoxide from various emission points within the Sulfur Block Unit No. 2, during an emissions event (Incident No. 198547) that began on May 19, 2014 and lasted for two hours and 50 minutes. The event occurred due to an amine overload of three Tail Gas Incinerators at Sulfur Recovery Units 5, 6, and 7 in Sulfur Block Unit No. 2. The amine overload resulted in the incinerators overheating and being tripped. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$474

Violation Final Penalty Total \$15,000

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

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 49471
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	19-May-2014	30-Apr-2015	0.95	\$474	n/a	\$474

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 198547. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$474

Screening Date 29-Sep-2014
Respondent Motiva Enterprises LLC
Case ID No. 49471
Reg. Ent. Reference No. RN100209451
Media [Statute] Air
Enf. Coordinator Amancio R. Gutierrez
Violation Number 2
Rule Cite(s)

Docket No. 2014-1514-AIR-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1386, GTC and STC No. 20, and NSR Permit Nos. 8404 and PSD-TX1062M1, Special Conditions No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 54,291.29 lbs of N-Methyl-2-pyrrolidone, from a pressure relief valve, Emissions Point Number FMPU4, during an emissions event (Incident No. 200322) that began on June 26, 2014 and lasted for 10 minutes. The emissions event occurred due to maintenance activities on the control system at the Methyl Pyrollidone Unit 4 that caused a control valve to close and create a pressure buildup, resulting in the release of emissions through a pressure relief valve. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input checked="" type="checkbox"/>			100.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input checked="" type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	Semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty \$25,000

One daily event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Violation Subtotal \$25,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$422 Violation Final Penalty Total \$50,000

This violation Final Assessed Penalty (adjusted for limits) \$25,000

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC
Case ID No. 49471
Reg. Ent. Reference No. RN100209451
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	26-Jun-2014	30-Apr-2015	0.84	\$422	n/a	\$422

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident No. 200322. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$422



Compliance History Report

PENDING Compliance History Report for CN600124051, RN100209451, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600124051, Motiva Enterprises LLC	Classification:	SATISFACTORY	Rating:	7.50
Regulated Entity:	RN100209451, PORT ARTHUR REFINERY	Classification:	SATISFACTORY	Rating:	20.90
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 3387

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
 REGISTRATION # (SWR) 30121
WASTEWATER PERMIT WQ0000414000
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230079

AIR OPERATING PERMITS PERMIT 1386
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
 TXD008097529
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50188

WASTEWATER EPA ID TX0005835
AIR NEW SOURCE PERMITS REGISTRATION 48503

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

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

AIR NEW SOURCE PERMITS REGISTRATION 14363
AIR NEW SOURCE PERMITS REGISTRATION 14493
AIR NEW SOURCE PERMITS REGISTRATION 15717
AIR NEW SOURCE PERMITS REGISTRATION 16221
AIR NEW SOURCE PERMITS REGISTRATION 54322
AIR NEW SOURCE PERMITS AFS NUM 4824500020
AIR NEW SOURCE PERMITS REGISTRATION 109665
AIR NEW SOURCE PERMITS REGISTRATION 52468
AIR NEW SOURCE PERMITS REGISTRATION 77681
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062
AIR NEW SOURCE PERMITS REGISTRATION 26297
AIR NEW SOURCE PERMITS REGISTRATION 87900
AIR NEW SOURCE PERMITS REGISTRATION 89842
AIR NEW SOURCE PERMITS REGISTRATION 93407
AIR NEW SOURCE PERMITS REGISTRATION 96078
AIR NEW SOURCE PERMITS REGISTRATION 96991
AIR NEW SOURCE PERMITS REGISTRATION 121606
AIR NEW SOURCE PERMITS REGISTRATION 102623
AIR NEW SOURCE PERMITS REGISTRATION 109207
AIR NEW SOURCE PERMITS REGISTRATION 109655
AIR NEW SOURCE PERMITS REGISTRATION 122913
AIR NEW SOURCE PERMITS REGISTRATION 113586
AIR NEW SOURCE PERMITS REGISTRATION 122893
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1404
AIR NEW SOURCE PERMITS REGISTRATION 105518
AIR NEW SOURCE PERMITS REGISTRATION 122993
AIR NEW SOURCE PERMITS REGISTRATION 118612
AIR NEW SOURCE PERMITS REGISTRATION 121860
AIR NEW SOURCE PERMITS REGISTRATION 112608
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1062M2
AIR NEW SOURCE PERMITS REGISTRATION 112366
AIR NEW SOURCE PERMITS REGISTRATION 109653
AIR NEW SOURCE PERMITS REGISTRATION 105522
AIR NEW SOURCE PERMITS REGISTRATION 122343
PETROLEUM STORAGE TANK STAGE II REGISTRATION 57808

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0095D

POLLUTION PREVENTION PLANNING ID NUMBER P00651

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 101826
AIR NEW SOURCE PERMITS REGISTRATION 103077
AIR NEW SOURCE PERMITS REGISTRATION 105516
AIR NEW SOURCE PERMITS REGISTRATION 112351
AIR NEW SOURCE PERMITS REGISTRATION 109691
AIR NEW SOURCE PERMITS REGISTRATION 105523
AIR NEW SOURCE PERMITS REGISTRATION 111502
AIR NEW SOURCE PERMITS REGISTRATION 105517
AIR NEW SOURCE PERMITS REGISTRATION 105519
AIR NEW SOURCE PERMITS REGISTRATION 122902
AIR NEW SOURCE PERMITS REGISTRATION 107320
AIR NEW SOURCE PERMITS REGISTRATION 106439
AIR NEW SOURCE PERMITS REGISTRATION 112950
AIR NEW SOURCE PERMITS REGISTRATION 105515
AIR NEW SOURCE PERMITS REGISTRATION 122909
AIR NEW SOURCE PERMITS REGISTRATION 105504
AIR NEW SOURCE PERMITS REGISTRATION 122914
STORMWATER PERMIT TXRNEY448
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30121
POLLUTION PREVENTION PLANNING ID NUMBER P06462

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: October 13, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 13, 2009 to October 13, 2014

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

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

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: FK FCCU1 and 2).

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Boiler 33.

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

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: SCR4-1). EIC A8(c)(2)(A)(ii) MOD(2)(D)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

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

FOP 1386, General Terms and Conditions OP

FOP 1386, Special Condition 16A OP

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

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.

12 Effective Date: 12/19/2013 ADMINORDER 2012-0735-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 this emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT
6056/PSD-TX-1062-M1, Special Condition 5 PERMIT
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
FOP 3387, General Terms and Conditions OP
FOP 3387, Special Condition 18 OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062-M1, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP
FOP 1386, Special Condition 16A OP
FOP 1386, Special Condition 18 OP
FOP 3387, General Terms and Conditions OP

Description: Failed to comply with the maximum allowable SO2 hourly emissions rates.

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: Failed to comply with the maximum allowable NOx hourly emissions rate.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.715(c)(7)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 6056/PSD-TX-1062, Special Condition 1 PERMIT
8404/PSD-TX-1062, Special Condition 1 PERMIT
FOP 1386, General Terms and Conditions OP

Description: Failed to comply with the maximum allowable annual NOx and VOC emissions rates based on a rolling 12-month period.

- 13 Effective Date: 07/11/2014 ADMINORDER 2013-2189-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
Special Condition 2F OP
Description: Failure to submit an initial notification for an emissions event within 24 hours of discovery.
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: GENERAL TERMS AND CONDITIONS OP
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 16 OP
Description: Failure to prevent unatuhorized emissions for Incident 188699.
- 14 Effective Date: 08/15/2014 ADMINORDER 2013-0885-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 B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
SC 18 OP
Description: Failure to prevent unauthorized emissions.
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: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 18 OP
Description: Failure to prevent unauthorized emissions.
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)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 1A OP
SC 5 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP
SC 1A OP
Description: Failure to submit an initial notification for Incident No. 182149.
Classification: Major
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)

SC 1 PERMIT

SC 1A OP

SC 5 PERMIT

Description: Failure to prevent unauthorized emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 14, 2009	(804650)
Item 2	October 29, 2009	(776147)
Item 3	November 05, 2009	(776148)
Item 4	November 12, 2009	(776479)
Item 5	November 13, 2009	(804651)
Item 6	December 15, 2009	(804652)
Item 7	January 05, 2010	(786191)
Item 8	January 06, 2010	(784719)
Item 9	January 07, 2010	(786188)
Item 10	January 13, 2010	(804653)
Item 11	February 08, 2010	(790438)
Item 12	February 12, 2010	(776149)
Item 13	February 18, 2010	(785707)
Item 14	February 24, 2010	(790004)
Item 15	March 01, 2010	(787175)
Item 16	March 16, 2010	(830881)
Item 17	March 23, 2010	(791693)
Item 18	April 13, 2010	(830882)
Item 19	May 10, 2010	(830883)
Item 20	May 26, 2010	(798314)
Item 21	June 03, 2010	(803496)
Item 22	June 15, 2010	(846268)
Item 23	June 24, 2010	(826000)
Item 24	July 05, 2010	(829489)
Item 25	July 15, 2010	(860862)
Item 26	August 19, 2010	(866829)
Item 27	August 31, 2010	(848673)
Item 28	September 16, 2010	(873900)
Item 29	October 15, 2010	(881501)
Item 30	November 15, 2010	(865974)
Item 31	November 17, 2010	(888030)
Item 32	December 20, 2010	(896239)
Item 33	December 21, 2010	(884947)
Item 34	January 03, 2011	(884857)
Item 35	January 19, 2011	(891548)
Item 36	January 20, 2011	(902305)
Item 37	January 21, 2011	(891647)
Item 38	February 01, 2011	(880655)
Item 39	February 14, 2011	(909084)
Item 40	February 15, 2011	(894736)
Item 41	February 21, 2011	(899503)
Item 42	February 23, 2011	(899893)
Item 43	March 18, 2011	(916343)
Item 44	March 22, 2011	(901784)
Item 45	April 18, 2011	(924807)
Item 46	May 12, 2011	(906804)

Item 47	May 13, 2011	(938025)
Item 48	June 13, 2011	(945348)
Item 49	July 01, 2011	(936394)
Item 50	July 19, 2011	(952622)
Item 51	August 09, 2011	(959303)
Item 52	August 15, 2011	(948878)
Item 53	August 24, 2011	(948863)
Item 54	August 30, 2011	(951060)
Item 55	September 14, 2011	(965336)
Item 56	October 12, 2011	(951037)
Item 57	October 17, 2011	(971376)
Item 58	November 16, 2011	(977535)
Item 59	December 19, 2011	(984303)
Item 60	January 09, 2012	(976534)
Item 61	January 11, 2012	(976876)
Item 62	February 20, 2012	(997965)
Item 63	February 27, 2012	(989102)
Item 64	February 28, 2012	(989101)
Item 65	February 29, 2012	(989539)
Item 66	March 20, 2012	(1003489)
Item 67	April 21, 2012	(1010053)
Item 68	May 24, 2012	(1007755)
Item 69	May 29, 2012	(1007168)
Item 70	May 30, 2012	(1007271)
Item 71	June 08, 2012	(1009200)
Item 72	June 20, 2012	(1013221)
Item 73	June 23, 2012	(1009928)
Item 74	July 10, 2012	(1015329)
Item 75	July 16, 2012	(1015617)
Item 76	July 17, 2012	(1015681)
Item 77	July 19, 2012	(1015036)
Item 78	August 07, 2012	(1021223)
Item 79	August 17, 2012	(1037939)
Item 80	August 21, 2012	(1024044)
Item 81	August 28, 2012	(1027085)
Item 82	August 29, 2012	(1029494)
Item 83	September 17, 2012	(1029492)
Item 84	September 18, 2012	(1031350)
Item 85	September 26, 2012	(1034545)
Item 86	September 28, 2012	(1031002)
Item 87	October 01, 2012	(1024020)
Item 88	October 09, 2012	(1036486)
Item 89	October 10, 2012	(1036175)
Item 90	October 13, 2012	(1027759)
Item 91	October 15, 2012	(1029690)
Item 92	October 19, 2012	(1046671)
Item 93	October 26, 2012	(1030074)
Item 94	November 15, 2012	(1043432)
Item 95	November 19, 2012	(1060871)
Item 96	November 20, 2012	(1042530)
Item 97	December 19, 2012	(1060872)
Item 98	December 27, 2012	(1046511)
Item 99	January 21, 2013	(1078962)
Item 100	January 24, 2013	(1053845)
Item 101	February 05, 2013	(1051301)
Item 102	February 17, 2013	(1078961)
Item 103	February 20, 2013	(1051441)
Item 104	February 21, 2013	(1056295)
Item 105	March 20, 2013	(1059332)
Item 106	March 25, 2013	(1073967)

Item 107	April 04, 2013	(1077185)
Item 108	April 17, 2013	(1095699)
Item 109	May 16, 2013	(1087950)
Item 110	May 20, 2013	(1106624)
Item 111	June 17, 2013	(1110300)
Item 112	July 01, 2013	(1100091)
Item 113	July 12, 2013	(1117184)
Item 114	August 13, 2013	(1103447)
Item 115	August 19, 2013	(1124940)
Item 116	August 23, 2013	(1106435)
Item 117	August 29, 2013	(1113788)
Item 118	September 17, 2013	(1129540)
Item 119	October 03, 2013	(1122073)
Item 120	October 16, 2013	(1135270)
Item 121	October 21, 2013	(1124319)
Item 122	November 14, 2013	(1124564)
Item 123	November 18, 2013	(1140669)
Item 124	November 19, 2013	(1133062)
Item 125	December 19, 2013	(1147128)
Item 126	December 30, 2013	(1139488)
Item 127	January 06, 2014	(1139684)
Item 128	January 10, 2014	(1143535)
Item 129	January 16, 2014	(1144280)
Item 130	January 17, 2014	(1143636)
Item 131	February 07, 2014	(1145955)
Item 132	February 13, 2014	(1150182)
Item 133	February 17, 2014	(1160532)
Item 134	March 04, 2014	(1152038)
Item 135	March 18, 2014	(1167177)
Item 136	April 15, 2014	(1174310)
Item 137	May 15, 2014	(1166327)
Item 138	May 19, 2014	(1180498)
Item 139	May 21, 2014	(1166746)
Item 140	May 27, 2014	(1166430)
Item 141	May 28, 2014	(1171130)
Item 142	May 29, 2014	(1170500)
Item 143	June 04, 2014	(1172133)
Item 144	June 18, 2014	(1187396)
Item 145	July 08, 2014	(1177731)
Item 146	July 16, 2014	(1198541)
Item 147	July 22, 2014	(1172869)
Item 148	July 23, 2014	(1172827)
Item 149	July 25, 2014	(1183475)
Item 150	August 18, 2014	(1198542)
Item 151	August 22, 2014	(1190397)
Item 152	September 02, 2014	(1183493)
Item 153	September 09, 2014	(1186143)
Item 154	September 15, 2014	(1186881)
Item 155	September 26, 2014	(1191067)
Item 156	September 29, 2014	(1197189)
Item 157	October 03, 2014	(1187032)
Item 158	October 09, 2014	(1197886)

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: 02/07/2014 (1139185) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.352(4)

Pending Compliance History Report for CN600124051, RN100209451, Rating Year 2014 which includes Compliance History (CH) components from October 13, 2009, through October 13, 2014.

30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 11E PERMIT
SC 16A OP
SC 1A OP
SC 61 PERMIT

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(1)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.340
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)(1)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 12H PERMIT
SC 16A OP
SC 1A OP
SC 61 PERMIT
SC 63 PERMIT

Description: Failure to repair a leak within 15 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)
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 submit a PI-7 notification as required by 30 TAC 106.262.

Self Report? NO Classification: Minor

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

Description: Failure to report a deviation in a Semiannual Deviation 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 Part 63, Subpart UUU 63.1568(b)(1)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 16A OP
SC 1A OP
SC 22 PERMIT
SC 63 PERMIT

Description: Failure to maintain a sulfur dioxide concentration at or below 250 parts per million by volume over a 12-hour period at Sulfur Recovery Unit 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)
GENERAL TERMS AND CONDITIONS OP
SC 1 PERMIT
SC 16A OP

Description: Failure to maintain sulfur dioxide emission limit at Tail Gas Treating Unit No. 2 Incinerator (EPN STGTU2-1).

Self Report? NO Classification: Moderate

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

SC 16A PERMIT
SC 1A OP
SC 38B PERMIT

Description: Failure to repair or isolate a hydrogen sulfide leak on a pump seal.

2

Date: 02/12/2014 (1145614) CN600124051
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)(A)
Description: Failure by the Motiva Port Arthur Refinery to have an accurate plant schematic in the monitoring plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Failure by the Motiva Port Arthur Refinery to conduct backflow tests annually.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure by the Motiva Port Arthur Refinery to maintain records of flushing.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure by the Motiva Port Arthur Refinery to have maintenance and housekeeping practices that ensure the good working condition and general appearances of the system's facilities and equipment.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure by the Motiva Port Arthur Refinery to provide all storage tank vents with a screen.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure by the Motiva Port Arthur Refinery to maintain a gap less than 1/16th of an inch on the overflow flap of all ground storage tanks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure by the Motiva Port Arthur Refinery to conduct accuracy checks on the manual disinfectant analyzer once every 90 days.

3

Date: 02/28/2014 (1150511) CN600124051
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 12B OP
SC 61 PERMIT
SC 9 PERMIT
Description: Failure to conduct monthly water seal inspections.
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)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
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 and Annual Compliance Certification.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GENERAL TERMS AND CONDITIONS OP
SC 1A OP
SC 30 PERMIT
Description: Failure to maintain coke moisture content.
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)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
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 and Annual

Compliance Certification.

4

Date: 05/22/2014 (1165048) CN600124051

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 14E PERMIT
Special Condition 18 OP
Special Condition 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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 3(A)(iv)(1) OP

Description: Failure to conduct quarterly visible emissions observations on 20 emission points.

Self Report? NO Classification: Minor

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

Description: Failure to report several deviations in a Semiannual Deviation Report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 17 OP

Description: Failure to conduct monthly Method 9 visible emission observations at 10 sources.

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 B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.643(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 18 OP
Special Condition 1A OP
Special Condition 70 PERMIT

Description: Failure to maintain a 98% reduction of Hazardous Air Pollutants or 20 ppm limit on multiple occasions.

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)
Special Condition 1 PERMIT
Special Condition 18 OP

Description: Failure to maintain the nitrogen oxides emission limit at Power Station No. 4 Cogeneration Unit 4 (EPN SPS4-4) and Vacuum Pipe Stills No. 5, No. ½ and ¾ Atmospheric Heater (EPN SVPS5-1).

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)
Special Condition 18 OP
Special Condition 8 PERMIT

Description: Failure to maintain hourly nitrogen oxide and carbon monoxide emission limits at Lube Hydrocracking Unit No. 2 Fractionator Heater (EPN SHCU2-5), Coker Heater No. 1 (EPN SDCU2-1), Coker Heater No. 2 (EPN SDCU2-2), and Coker Heater No. 3 (EPN SDCU2-3).

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)
 Special Condition 1 PERMIT
 Special Condition 18 OP
 Special Condition 8 PERMIT
 Description: Failure to maintain hourly nitrogen oxide emission limits at Vacuum Pipe Stills No. 5, No. 1 Vacuum Heater (EPN SVPS5-2) and Power Boiler 46 (EPN SPS4-6).
 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)
 Special Condition 18 OP
 Special Condition 8 PERMIT
 Description: Failure to maintain hourly nitrogen oxide emission limits at Coker Heater No. 1 (EPN SDCU2-1), Coker Heater No. 2 (EPN SDCU2-2), Coker Heater No. 3 (EPN SDCU2-3), and Vacuum Pipe Stills No. 5, No. ½ Atmospheric Heater and No. ¾ Atmospheric Heater (all share EPN SVPS5-1), Vacuum Pipe Stills No. 5, No. 2 Vacuum Heater (EPN SVPS5-2), and Vacuum Pipe Stills No. 5, No. 1 and 2 Atmospheric Heater (EPN SVPS5-2).
 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)
 Special Condition 18 OP
 Special Condition 47 PERMIT
 Description: Failure to maintain coke moisture content.
 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)
 Special Condition 18 PERMIT
 Special Condition 22 PERMIT
 Description: Failure to maintain 1200 degrees Fahrenheit at Tail Gas Treating Unit 5 Incinerator (EPN TGTU2-5) and Tail Gas Treating Unit 7 (STGTU7-1) at Sulfur Block Unit 2.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.130
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14F PERMIT
 Special Condition 18 OP
 Special Condition 1A OP
 Description: Failure to repair several leaking components in Naphtha Hydrotreating Unit 2 within 15 days.
 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 B 116.115(c)
 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)
 Special Condition 18 OP
 Special Condition 1A OP
 Special Condition 6 PERMIT
 Special Condition 68 PERMIT
 Description: Failure to maintain 160 parts per million volumetric dry of hydrogen sulfide limit on a 3-hour basis at four units.
 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)
 Special Condition 18 OP
 Special Condition 8 PERMIT
 Description: Failure to maintain hourly carbon monoxide emission limits at Coker Heater No. 1

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.4		
Description:	Failure by Motiva Enterprises to prevent the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the Texas Commission on Environmental Quality.		
Self Report?	NO	Classification:	Minor
Citation:	OpR No. 1, Page 9 PERMIT		
Description:	Failure by Motiva Enterprises to ensure at all times that all its systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.4		
Description:	Failure by Motiva Enterprises to prevent the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the Texas Commission on Environmental Quality.		
Self Report?	NO	Classification:	Minor
Citation:	OpR No. 1, Page 9 PERMIT		
Description:	Failure by Motiva Enterprises to ensure at all times that all its systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	OpR No. 1, Page 9 PERMIT		
Description:	Failure by Motiva Enterprises to ensure at all times that all its systems of collection, treatment, and disposal are properly operated and maintained.		

F. Environmental audits:

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: 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)
 Disclosure Date: 09/05/2013
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145
 30 TAC Chapter 122, SubChapter B 122.146
 Description: Failed to report various Title V deviations discovered during the audit.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
 Description: Failed to install water seal controls in six process water sewers located within the West API individual drain system.

Viol. Classification: Major
 Citation: 30 TAC Chapter 106, SubChapter W 106.512(1)
 30 TAC Chapter 116, SubChapter B 116.110(a)
 Description: Failed to obtain authorization for stationary engines located at the facility's South Weir. Specifically, temporary engines associated with the facility's South Weir remained onsite for more than 12 months. As such, emission sources no longer qualify as mobile sources.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(2)(i)
 Rqmt Prov: PERMIT NSR Permit 8404, SC 39
 Description: Failed to set the range span of the CO Continuous Emissions Monitoring System analyzer on the FCCU Regenerator to the required 1,000 ppm (it was instead set to 500 ppm).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)

Rqmt Prov: PERMIT NSR Permit 8404, Special Condition 35

Description: Failed to conduct the Relative Accuracy Test Audit (RATA) for the MPU 3/4 Fuel Gas System during the appropriate time range. Specifically, due to MPU3 shutdown for entire 1st quarter of 2013, a RATA could not be performed. When the unit was restarted in the 2nd quarter, a CGA was performed on the fuel gas analyzer instead of the required RATA.

Notice of Intent Date: 06/02/2014 (1190426)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

AGREED ORDER
DOCKET NO. 2014-1514-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 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 July 25, 2014, TCEQ staff documented that the Respondent released 17,503.33 pounds ("lbs") of sulfur dioxide, 2,308.60 lbs of hydrogen sulfide, 50.32 lbs of nitrogen oxides, and 26.36 lbs of carbon monoxide from various emission points within the Sulfur Block Unit No. 2, during an emissions event (Incident No. 198547) that began on May 19, 2014 and lasted for two hours and 50 minutes. The event occurred due to an amine overload of three Tail Gas Incinerators at Sulfur Recovery Units 5, 6, and 7 in Sulfur Block Unit No. 2. The amine overload resulted in the incinerators overheating and being tripped. The TCEQ determined that the emissions event could have been avoided by better operational practices.
4. During a record review conducted on July 25, 2014, TCEQ staff documented that the Respondent released 54,291.29 lbs of N-Methyl-2-pyrrolidone, from a pressure relief valve, Emission Point Number FMPU4, during an emissions event (Incident No. 200322) that began on June 26, 2014 and lasted for 10 minutes. The emissions event occurred due to maintenance activities on the control system at the Methyl Pyrollidone Unit 4 that caused a control valve to close and create a pressure buildup, resulting in the release of emissions through a pressure relief valve. The TCEQ determined that the emissions event could have been avoided by better operational practices.
5. The Respondent received notice of the violations on August 28, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382, 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), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O3387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and New Source Review ("NSR") Permit Nos. 6056 and PSDTX1062M1, Special Conditions ("SC") No. 1. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1386, GTC and STC No. 20, and NSR Permit Nos. 8404 and PSD-TX1062M1, Special Conditions No. 1. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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 Forty Thousand Dollars (\$40,000) 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 the Forty Thousand Dollar (\$40,000) administrative penalty.

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 Forty Thousand Dollars (\$40,000) 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. 2014-1514-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures to prevent recurrence of emissions events due to same or similar causes as Incident Nos. 198547 and 200322; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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

Perm Manager
For the Executive Director

2/16/15
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]
Signature

Nov 20/14
Date

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

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.