

Executive Summary – Enforcement Matter – Case No. 51621
Houston Refining LP
RN100218130
Docket No. 2015-1785-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Houston Refining, 12000 Lawndale Street, Houston, Harris County

Type of Operation:

Petroleum refining plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 15, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$59,063

Amount Deferred for Expedited Settlement: \$11,812

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$23,626

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$23,625

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 13, 2015 through October 26, 2015

Date(s) of NOE(s): November 20, 2015

**Executive Summary – Enforcement Matter – Case No. 51621
Houston Refining LP
RN100218130
Docket No. 2015-1785-AIR-E**

Violation Information

Failed to repair a leaking storage tank within 45 days of discovery. Specifically, liquid volatile organic compounds were found resting on the surface of the roof of Tank No. 0892, Emission Point Number ("EPN") 138TK0892, on August 8, 2012, but the tank was not removed from service for repairs until October 15, 2014 [30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.120, 115.114(a)(2)(A), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 63.120(b)(8), Federal Operating Permit No. O1372, Special Terms and Conditions Nos. 1.A and 26, and Flexible Permit Nos. 2167 and PSDTX985, Special Conditions Nos. 4 and 19.D].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 15, 2014, the Respondent removed Tank No. 0892, EPN 138TK0892, from service for repairs.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

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

Respondent: Jerome Mauvigney, Site Manager, Houston Refining LP, 12000 Lawndale Street, Houston, Texas 77017

Bob Gardner, Environmental Consulting Engineer, Houston Refining LP, 12000 Lawndale Street, Houston, Texas 77017

Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1785-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Houston Refining LP
Penalty Amount:	Forty-Seven Thousand Two Hundred Fifty-One Dollars (\$47,251)
SEP Offset Amount:	Twenty-Three Thousand Six Hundred Twenty-Five Dollars (\$23,625)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Refining LP
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	23-Nov-2015	Screening	3-Dec-2015	EPA Due	
	PCW	3-Dec-2015				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	51621	No. of Violations	1
Docket No.	2015-1785-AIR-E	Order Type	1660
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** **\$33,750**

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%** Adjustment **Subtotals 2, 3, & 7** **\$33,750**

Notes: Enhancement for four NOV's with same/similar violations, one NOV with dissimilar violations, four orders containing a denial of liability, and one order without a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$8,437**

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

Total EB Amounts	\$1,032	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$59,063**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$59,063**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$59,063**

DEFERRAL **20.0%** Reduction Adjustment **-\$11,812**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$47,251**

Screening Date 3-Dec-2015

Docket No. 2015-1785-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 4 (April 2014)

Case ID No. 51621

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218130

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>)	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%

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) 123%

>> 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 four NOVs with same/similar violations, one NOV with dissimilar violations, four orders containing a denial of liability, and one order without a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 123%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 3-Dec-2015

Docket No. 2015-1785-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 4 (April 2014)

Case ID No. 51621

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2) and (3), 113.120, 115.114(a)(2)(A), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations § 63.120(b)(8), Federal Operating Permit No. O1372, Special Terms and Conditions Nos. 1.A and 26, and Flexible Permit Nos. 2167 and PSDTX985, Special Conditions Nos. 4 and 19.D

Violation Description

Failed to repair a leaking storage tank within 45 days of discovery. Specifically, liquid volatile organic compounds were found resting on the surface of the roof of Tank No. 0892, Emission Point Number ("EPN") 138TK0892, on August 8, 2012, but the tank was not removed from service for repairs until October 15, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

10000	Falsification			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 9

753 Number of violation days

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

Violation Base Penalty \$33,750

Nine quarterly events are recommended from the first date of non-compliance on September 22, 2012 through the October 15, 2014 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$8,437

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent completed corrective measures on October 15, 2014, before the November 20, 2015 Notice of Enforcement.

Violation Subtotal \$25,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,032

Violation Final Penalty Total \$59,063

This violation Final Assessed Penalty (adjusted for limits) \$59,063

Economic Benefit Worksheet

Respondent Houston Refining LP
Case ID No. 51621
Reg. Ent. Reference No. RN100218130
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
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	22-Sep-2012	15-Oct-2014	2.06	\$1,032	n/a	\$1,032

Notes for DELAYED costs

Estimated cost to remove Tank No. 0892, EPN 138TK0892, from service for repairs. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,032

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN601313083, RN100218130, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN601313083, Houston Refining LP	Classification:	SATISFACTORY	Rating:	3.81
Regulated Entity:	RN100218130, HOUSTON REFINING	Classification:	SATISFACTORY	Rating:	3.81
Complexity Points:	50	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	12000 LAWDALE ST HOUSTON, TX 77017-2740, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0048L
POLLUTION PREVENTION PLANNING ID NUMBER P00404

AIR NEW SOURCE PERMITS PERMIT 2167
AIR NEW SOURCE PERMITS REGISTRATION 55719
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX985
AIR NEW SOURCE PERMITS REGISTRATION 46595
AIR NEW SOURCE PERMITS REGISTRATION 87937
AIR NEW SOURCE PERMITS REGISTRATION 95583
AIR NEW SOURCE PERMITS REGISTRATION 102445
AIR NEW SOURCE PERMITS REGISTRATION 102539
AIR NEW SOURCE PERMITS REGISTRATION 102500
AIR NEW SOURCE PERMITS REGISTRATION 102533
AIR NEW SOURCE PERMITS REGISTRATION 102526
AIR NEW SOURCE PERMITS REGISTRATION 102448
AIR NEW SOURCE PERMITS REGISTRATION 102523
AIR NEW SOURCE PERMITS REGISTRATION 102540
AIR NEW SOURCE PERMITS REGISTRATION 102531
AIR NEW SOURCE PERMITS REGISTRATION 102511
AIR NEW SOURCE PERMITS REGISTRATION 109351
AIR NEW SOURCE PERMITS REGISTRATION 131635
AIR NEW SOURCE PERMITS REGISTRATION 118761
AIR NEW SOURCE PERMITS REGISTRATION 113654
WASTEWATER EPA ID TX0003247

AIR OPERATING PERMITS PERMIT 1372
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 78219

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0048L
AIR NEW SOURCE PERMITS AFS NUM 4820100040
AIR NEW SOURCE PERMITS REGISTRATION 43445
AIR NEW SOURCE PERMITS REGISTRATION 86815
AIR NEW SOURCE PERMITS REGISTRATION 92373
AIR NEW SOURCE PERMITS REGISTRATION 101633
AIR NEW SOURCE PERMITS REGISTRATION 102528
AIR NEW SOURCE PERMITS REGISTRATION 101897
AIR NEW SOURCE PERMITS REGISTRATION 102525
AIR NEW SOURCE PERMITS REGISTRATION 102524
AIR NEW SOURCE PERMITS REGISTRATION 102538
AIR NEW SOURCE PERMITS REGISTRATION 102537
AIR NEW SOURCE PERMITS REGISTRATION 102446
AIR NEW SOURCE PERMITS REGISTRATION 102521
AIR NEW SOURCE PERMITS REGISTRATION 102522
AIR NEW SOURCE PERMITS REGISTRATION 102512
AIR NEW SOURCE PERMITS REGISTRATION 112762
AIR NEW SOURCE PERMITS REGISTRATION 123232
AIR NEW SOURCE PERMITS REGISTRATION 136228

WASTEWATER PERMIT WQ0000392000
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011570
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50106
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30092
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30092

WATER LICENSING LICENSE 1011570
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD082688979
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 37881
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0048L

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015
Date Compliance History Report Prepared: December 16, 2015
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: December 16, 2010 to December 16, 2015
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: 12/25/2010 ADMINORDER 2010-0211-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 101, SubChapter F 101.201(b)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification and final report for Incident No. 2008-770. Specifically, Incident No. 2008-770 was discovered on November 19, 2009 and ended November 24, 2009 and neither report was received.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,836 pounds ("lbs") of sulfur dioxide ("SO2") and 139 lbs of hydrogen sulfide ("H2S") from the 636 Hydrodesulfurization Unit during an emissions event (Incident No. 2008-770) that began November 18, 2009 and lasted 131 hours and 10 minutes. Since the cause of this event could not be determined and it was not reported, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification and final report for Incident No. 2009-344. Specifically, Incident No. 2009-344 was discovered on June 14, 2009 and lasted two hours and 24 minutes and neither report was received.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,206 lbs of SO2 and 35 lbs of H2S from the 737 Delayed Coker Unit during an avoidabl emissions event (Incident No. 2009-344) that began June 14, 2009 and lasted two hours and 24 minutes. The event was the result of an unexpected change in compressoor discharge temperature. Since this emissions event could have been avoided by better operational practices and was not reported, the demonstrations in 30 Tex. Admin.

2 Effective Date: 03/07/2011 ADMINORDER 2010-1315-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to properly replace a strainer in the 536 Crude Unit causing an emissions event (Incident No. 139853) on May 17, 2010, resulting in a fire and the release of unauthorized emissions of 1,543.92 pounds ("lbs") of sulfur dioxide, 229.03 lbs of nitrous oxides, 287.06 lbs of particulate matter, 20.99 lbs of carbon monoxide, 33.29 lbs of gas oil, and 3.11 lbs of gasoline blend stock during an emissions event lasting one hour

3 Effective Date: 07/31/2011 ADMINORDER 2010-2029-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event that occurred on August 15, 2010. Specifically, the Respondent released 2,475.45 pounds ("lbs") of sulfur dioxide, 185.18 lbs of nitrogen oxides, 28.39 lbs of carbon monoxide, 35.51 lbs of particulate matter, 179.71 lbs of fuel oil 6, and 265.22 lbs of diesel fuel from a ruptured tube in the furnace of 737 Coker Unit during an emissions event that lasted approximately two hours (Incident No. 143549).

4 Effective Date: 08/27/2011 ADMINORDER 2011-0308-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 2167 and PSD-TX-985, Special Conditions No. 1. Since this emissions event could have been avoided by better operational practices and was reported late, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present affirmative defense were not met.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification for Incident No. 147093 within 24 hours after the discovery of the event.

5 Effective Date: 06/03/2013 ADMINORDER 2012-2037-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: TPDES Permit PERMIT

Description: Failure to comply with permitted effluent limitations at Outfall Nos. 001 and 003, as documented during a record review conducted on August 22, 2012. Specifically, the Respondent reported zinc daily maximum effluent

concentrations of 0.79 milligrams per liter ("mg/L") during October 2011 from Outfall No. 001, and 0.89 mg/L during January 2012 and 1.71 mg/L during May 2012 from Outfall No. 003 that exceeded the 0.51 mg/L permitted effluent limitations.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 20, 2010	(896190)
Item 2	December 21, 2010	(873611)
Item 3	December 28, 2010	(879988)
Item 4	January 31, 2011	(892535)
Item 5	March 01, 2011	(899493)
Item 6	March 21, 2011	(916300)
Item 7	April 18, 2011	(912871)
Item 8	April 20, 2011	(924727)
Item 9	April 25, 2011	(912179)
Item 10	May 20, 2011	(937981)
Item 11	June 20, 2011	(945305)
Item 12	June 30, 2011	(921626)
Item 13	July 18, 2011	(952580)
Item 14	August 18, 2011	(959262)
Item 15	August 22, 2011	(936293)
Item 16	September 06, 2011	(943156)
Item 17	September 12, 2011	(951953)
Item 18	September 19, 2011	(965291)
Item 19	October 04, 2011	(958258)
Item 20	October 25, 2011	(958441)
Item 21	October 28, 2011	(971334)
Item 22	November 04, 2011	(962637)
Item 23	January 05, 2012	(990559)
Item 24	January 18, 2012	(990560)
Item 25	March 22, 2012	(1003444)
Item 26	April 23, 2012	(1010008)
Item 27	May 22, 2012	(1016404)
Item 28	July 09, 2012	(1006480)
Item 29	July 20, 2012	(1031520)
Item 30	August 06, 2012	(1022505)
Item 31	August 20, 2012	(1037895)
Item 32	September 05, 2012	(1029689)
Item 33	September 20, 2012	(1046619)
Item 34	October 22, 2012	(1060728)
Item 35	November 19, 2012	(1060729)
Item 36	December 21, 2012	(1060730)
Item 37	January 22, 2013	(1078877)
Item 38	February 22, 2013	(1078876)
Item 39	March 18, 2013	(1089262)
Item 40	April 18, 2013	(1095656)
Item 41	May 20, 2013	(1106581)
Item 42	June 19, 2013	(1117140)
Item 43	June 24, 2013	(1110257)
Item 44	August 13, 2013	(1103417)
Item 45	August 16, 2013	(1105160)
Item 46	August 20, 2013	(1124896)
Item 47	September 24, 2013	(1129498)
Item 48	November 13, 2013	(1135227)
Item 49	November 21, 2013	(1140627)
Item 50	December 17, 2013	(1147084)
Item 51	January 27, 2014	(1153154)
Item 52	February 24, 2014	(1160490)
Item 53	March 21, 2014	(1167135)
Item 54	April 02, 2014	(1102104)
Item 55	April 15, 2014	(1174268)
Item 56	April 24, 2014	(1160240)
Item 57	April 29, 2014	(1152703)
Item 58	May 16, 2014	(1180456)
Item 59	June 23, 2014	(1187353)
Item 60	July 10, 2014	(1164888)
Item 61	July 15, 2014	(1198457)
Item 62	August 18, 2014	(1198458)

Item 63	September 18, 2014	(1205759)
Item 64	October 15, 2014	(1193113)
Item 65	October 22, 2014	(1186528)
Item 66	October 29, 2014	(1203066)
Item 67	November 06, 2014	(1197082)
Item 68	November 18, 2014	(1218422)
Item 69	December 16, 2014	(1224202)
Item 70	January 22, 2015	(1230730)
Item 71	February 25, 2015	(1242238)
Item 72	March 17, 2015	(1229900)
Item 73	April 16, 2015	(1255468)
Item 74	May 08, 2015	(1204518)
Item 75	May 12, 2015	(1241903)
Item 76	May 15, 2015	(1221516)
Item 77	May 20, 2015	(1262178)
Item 78	June 02, 2015	(1248264)
Item 79	July 22, 2015	(1276893)
Item 80	August 18, 2015	(1283071)
Item 81	August 21, 2015	(1261982)
Item 82	September 23, 2015	(1290210)
Item 83	October 20, 2015	(1296412)
Item 84	October 28, 2015	(1252222)

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: 02/26/2015 (1192965) CN601313083
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 26 OP
NSR SC 31 PERMIT
- Description: Failure to maintain the one hour average carbon monoxide concentration of the Tail Gas Thermal Oxidizer (EPN 435F1402) no greater than 100 ppmvd. (Category C4)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A OP
- Description: Failure to take samples within 10 hours of the start of HRVOC analyzer downtimes. (Category C1)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A OP
- Description: Failure to continuously operate the Houston Street Flare (EPN 338K0005) HRVOC analyzer at least 95% of the time the flare was operational for the 2013 calendar year. (Category B1)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A and 26 OP
NSR SC 14H PERMIT
- Description: Failure to repair leaking components within 15 days. (Category C4)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)(1)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A OP
- Description: Failure to monitor a leaking connector within 5 days of the discovery of the leak.

(Category C1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.221
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 6A(i) OP

Description: Failure to control vapors while transferring gasoline from a tank-truck into a stationary storage container. (Category B14)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart QQQ 60.692-2(a)(1)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A OP

Description: Failure to equip refinery wastewater drains with water seal controls. (Category B19.g.(1))

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A and 26 OP
NSR SC 24 PERMIT

Description: Failure to sample the cooling water for EPNs 536CT3701 and 430CT3791. (Category C1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 115, SubChapter H 115.781(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A OP

Description: Failure to conduct weekly visual inspections and monthly monitoring of eight pumps. (Category C1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)
30 TAC Chapter 115, SubChapter H 115.786(e)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A and 26 OP
NSR SC 14K PERMIT

Description: Failure to maintain complete records of repaired components. (Category C3)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
5C THSC Chapter 382 382.085(b)
FOP ST&C 13J OP

Description: Failure to maintain records identifying the waste stream information for instrument maintenance activities. (Category C3)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
5C THSC Chapter 382 382.085(b)
FOP ST&C 14A OP

Description: Failure to conduct initial and quarterly inspections on totes managing waste streams containing benzene. (Category B1)

Self Report? NO Classification: Moderate
Citation: 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)
FOP ST&C 10B OP

Description: Failure to conduct visual or physical inspections of refinery wastewater system drains. (Category B1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A and 26 OP
NSR SC 14E and 58A PERMIT

Description: Failure to prevent open-ended lines following the removal of a component for repair. (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1A OP

Description: Failure to monitor valves in gas/vapor or light liquid service monthly. (Category B19.g.(9))

2 Date: 05/31/2015 (1269347) CN601313083
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 06/12/2015 (1240838) CN601313083
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event.
[Subcategory B13]

4 Date: 07/28/2015 (1192939) CN601313083
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.655(g)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to report Tank 432TK0810 secondary seal deficiencies in the 40 CFR 63 Subpart CC Periodic Report. (CATEGORY C3 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to report all deviations in a deviation report. (CATEGORY C3 VIOLATION)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(iii)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to make extraordinary repair attempts to a leaking valve within 22 days.
(CATEGORY C4 VIOLATION)

5 Date: 11/20/2015 (1275957) CN601313083
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 14E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP
Description: Failure to cap, plug, or otherwise seal one open-ended line (CATEGORY C10 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(1)
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 G 63.119(c)(3)
5C THSC Chapter 382 382.085(b)
Special Condition 59 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP

Description: Failure to operate two storage tanks without unauthorized roof landings (CATEGORY B18 VIOLATION).
Self Report? NO Classification: Minor
Citation: 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 61, SubChapter C, PT 61, SubPT FF 61.346(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition 14H PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP

Description: Failure to repair one leaking pump on Lift Station #5 within the required time frame (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 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 25 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP

Description: Failure to maintain the H2S content in fuels gas streams to within the maximum concentration limit (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 28A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP

Description: Failure to operate the flare (EPN: 338K001) at or above the required minimum net heating value (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to operate the Marine Vapor Combustor within the permitted hourly CO limit (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 36 PERMIT
Special Term & Condition 26 OP

Description: Failure to operate two thermal oxidizers below the maximum exhaust stack SO2 concentration (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to repair a relief valve within the required time frame (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to make first repair attempts to two leaking valves within five calendar days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to operate the 732 Wet Gas Compressor within the maximum CO concentration (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform a required monthly process drain inspection (CATEGORY C1 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform two cylinder gas audits (CATEGORY C1 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to limit the amount of difficult to monitor (DTM) components to 3% of the total population of valves (CATEGORY C1 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to replace spent carbon in a canister with fresh carbon in the required time frame (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to record calibration drift data for the 338D0408 and 536F0002 CEMS (CATEGORY B18 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to record calibration drift data for one heater (EPN: 536F0002) (CATEGORY B18 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to maintain the temperature of the Benzene Stripper Tower at or above 215 degrees F.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 31 PERMIT
Special Term & Condition 26 OP

Description: Failure to operate the 435F1402 thermal oxidizer within the 100 ppm concentration limit (CATEGORY C4 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(iii)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform extraordinary repairs to HRVOC service valves within the required time frame (CATEGORY B18 VIOLATION).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform manual sampling during an HRVOC analyzer outage (CATEGORY C1 VIOLATION).

F. Environmental audits:

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

Disclosure Date: 01/28/2011

Viol. Classification: Minor

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

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 14

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Notice of Intent Date: 10/30/2012 (1056332)
No DOV Associated

Notice of Intent Date: 09/11/2013 (1132426)
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
HOUSTON REFINING LP
RN100218130

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-1785-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refining plant located at 12000 Lawndale Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 25, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-Nine Thousand Sixty-Three Dollars (\$59,063) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Three Thousand Six Hundred Twenty-Six Dollars (\$23,626) of the administrative penalty and Eleven

Thousand Eight Hundred Twelve Dollars (\$11,812) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Three Thousand Six Hundred Twenty-Five Dollars (\$23,625) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on October 15, 2014, the Respondent removed Tank No. 0892, Emission Point Number ("EPN") 138TK0892, from service for repairs.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to repair a leaking storage tank within 45 days of discovery, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2) and (3), 113.120, 115.114(a)(2)(A), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS § 63.120(b)(8), Federal Operating Permit No. O1372, Special Terms and Conditions Nos. 1.A and 26, and Flexible Permit Nos. 2167 and PSDTX985, Special Conditions Nos. 4 and 19.D, as documented during a record review conducted from October 13, 2015 through October 26, 2015. Specifically, liquid volatile organic compounds were found resting on the surface of the roof of Tank No. 0892, EPN 138TK0892, on August 8, 2012, but the tank was not removed from service for repairs until October 15, 2014.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Refining LP, Docket No. 2015-1785-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Three Thousand Six Hundred Twenty-Five Dollars (\$23,625) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. 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.
7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/29/16

Date

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

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

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

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

Signature

03-11-2016

Date

JEROME MAUVIGNEY

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

SITE MANAGER, HOUSTON REFINERY

Title

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

Attachment A
Docket Number: 2015-1785-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Houston Refining LP
Penalty Amount:	Forty-Seven Thousand Two Hundred Fifty-One Dollars (\$47,251)
SEP Offset Amount:	Twenty-Three Thousand Six Hundred Twenty-Five Dollars (\$23,625)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Refining LP
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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