

Executive Summary – Enforcement Matter – Case No. 50467
Blanchard Refining Company LLC
RN102535077
Docket No. 2015-0668-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Blanchard Refining Galveston Bay Refinery, 2401 5th Avenue South, Texas City,
Galveston County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2015-1609-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 8, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$97,500

Amount Deferred for Expedited Settlement: \$19,500

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$39,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$39,000

Name of SEP: Texas City Independent School District (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

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Docket No. 2015-0668-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 15, 2015 and November 4, 2014 through March 16, 2015

Date(s) of NOE(s): April 17, 2015 and May 4, 2015

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 183.78 pounds ("lbs") of benzene, 13,213.08 lbs of volatile organic compounds ("VOC") and 1.15 lbs of hydrogen sulfide during an emissions event (Incident No. 206367) that began on November 12, 2014 and lasted 326 hours. The release occurred in Ultraformer Unit 4 due to the leakage of VOC through an avoidably damaged gasket in a flanged joint in Heat Exchangers C401-6A and 6-B. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Flexible Permit Nos. 47256 and PSDTX402M3, Special Conditions ("SC") No. 1].

2. Failed to control degassing until the VOC concentration is less than 10,000 parts per million ("ppm") or 10 percent of the lower explosive limit. Specifically, the thermal oxidizer ("TO") used to control the degassing of Tanks TK10, TK12, TK19, TK24, TK27, TK92, TK94, TK530, TK537, TK560, TK1042, TK1055, and TK1056 was shutdown 51 times due to maintenance, malfunction, and safety issues from October 2, 2012 through August 3, 2013, resulting in the release of approximately 3,300 lbs of VOC [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1541, Special Terms and Condition ("STC") Nos. 23 and 26, and NSR Flexible Permit Nos. 47256 and PSDTX402M3, SC No. 61B(1)].

3. Failed to maintain the benzene concentration below the 1 ppm limit for carbon canisters for water separators. Specifically, the carbon canisters exceeded the 1 ppm benzene limit from October 12, 2012 through September 5, 2013 for water separators, resulting in the release of approximately 0.2 lb of benzene [30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1541, STC No. 22].

4. Failed to obtain a FOP revision prior to operating changes at a site. Specifically, the Respondent did not obtain a minor revision for FOP No. O1541 to include the applicability of 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60, Subpart GGG prior to operating the REF-FUG fugitives [30 TEX. ADMIN. CODE § 122.217(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The following corrective measures were implemented:

- a. On May 16, 2011, a revision application for FOP No. O1541 to include the revised periodic monitoring summaries for carbon canisters controlling emissions from water separators was submitted; and
- b. On August 10, 2014, a revision application for FOP No. O1541 to include the applicability of 40 CFR Part 60, Subpart GGG was submitted.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same or similar cause as Incident No. 206367; and
 - ii. Implement measures and/or procedures designed to ensure the TO controls degassing until the VOC concentration is less than 10,000 ppm or 10 percent of the lower explosive limit.
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the May 16, 2011 and August 10, 2014 permit revision applications for FOP No. O1541 within 30 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days, submit written certification to demonstrate compliance with a.
 - d. Within 180 days, submit written certification that the permit revisions have been obtained for FOP No. O1541.

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

Executive Summary – Enforcement Matter – Case No. 50467
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Docket No. 2015-0668-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0577; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: Ray Brooks, Vice President / General Manager, Blanchard Refining Company LLC, P.O. Box 401, Texas City, Texas 77592-0401

Mark Clingan, Environmental Superintendent-Air, Blanchard Refining Company LLC, P.O. Box 401, Texas City, Texas 77592-0401

Richard A. Hernandez, Refinery General Manager, Blanchard Refining Galveston Bay Refinery, 2401 5th Avenue S, Texas City, Texas 77590

Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-0668-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Blanchard Refining Company LLC
Penalty Amount:	Seventy-Eight Thousand Dollars (\$78,000)
SEP Offset Amount:	Thirty-Nine Thousand Dollars (\$39,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

Blanchard Refining Company LLC
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency's 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done 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 the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

c. Minimum Expenditure

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

2. Performance Schedule

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

Blanchard Refining Company LLC
Agreed Order - Attachment A

Texas City Independent School District SEP
Attention: John Johnson, Consultant
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and/or 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 Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	11-May-2015	Screening	19-May-2015	EPA Due	
	PCW	14-Oct-2015				

RESPONDENT/FACILITY INFORMATION			
Respondent	Blanchard Refining Company LLC		
Reg. Ent. Ref. No.	RN102535077		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	50467	No. of Violations	4
Docket No.	2015-0668-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$48,750

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% Enhancement **Subtotals 2, 3, & 7** \$48,750

Notes: Enhancement for eight NOVs with same/similar violations, four NOVs with dissimilar violations, six orders with denial of liability, two orders without denial of liability, and one final judgement with denial of liability. Reduction for three notices of intent to conduct an audit.

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** \$0

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

Total EB Amounts \$3,862
Estimated Cost of Compliance \$30,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$97,500

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$97,500

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$97,500

DEFERRAL 20.0% Reduction **Adjustment** -\$19,500

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 \$78,000

Screening Date 19-May-2015

Docket No. 2015-0668-AIR-E

PCW

Respondent Blanchard Refining Company LLC

Policy Revision 4 (April 2014)

Case ID No. 50467

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102535077

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

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>)	8	40%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	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	2	50%
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>)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 245%

>> 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 eight NOVs with same/similar violations, four NOVs with dissimilar violations, six orders with denial of liability, two orders without denial of liability, and one final judgement with denial of liability. Reduction for three notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 245%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 19-May-2015

Docket No. 2015-0668-AIR-E

PCW

Respondent Blanchard Refining Company LLC

Policy Revision 4 (April 2014)

Case ID No. 50467

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102535077

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 116.715(a), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Flexible Permit Nos. 47256 and PSDTX402M3, Special Conditions ("SC") No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 183.78 pounds ("lbs") of benzene, 13,213.08 lbs of volatile organic compounds ("VOC"), and 1.15 lbs of hydrogen sulfide during an emissions event (Incident No. 206367) that began on November 12, 2014 and lasted 326 hours. The release occurred in Ultraformer Unit 4 due to the leakage of VOC through an avoidably damaged gasket in a flanged joint in Heat Exchangers C401-6A and 6-B. Since this event could have been prevented by better operation and maintenance 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		x		30.0%
	Potential				

>> 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 13 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 \$325

Violation Final Penalty Total \$15,000

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

Economic Benefit Worksheet

Respondent Blanchard Refining Company LLC
Case ID No. 50467
Reg. Ent. Reference No. RN102535077
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	12-Nov-2014	1-Mar-2016	1.30	\$325	n/a	\$325

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same or similar cause as Incident No. 206367. Date Required is the date the emissions event began. 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
 (Empty box for notes)

Approx. Cost of Compliance	\$5,000	TOTAL	13	\$325
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Screening Date 19-May-2015

Docket No. 2015-0668-AIR-E

PCW

Respondent Blanchard Refining Company LLC

Policy Revision 4 (April 2014)

Case ID No. 50467

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102535077

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1541, Special Terms and Condition ("STC") Nos. 23 and 26, and NSR Flexible Permit Nos. 47256 and PSDTX402M3, SC No. 61B(1)

Violation Description

Failed to control degassing until the VOC concentration is less than 10,000 parts per million ("ppm") or 10 percent of the lower explosive limit. Specifically, the thermal oxidizer ("TO") used to control the degassing of Tanks TK10, TK12, TK19, TK24, TK27, TK92, TK94, TK530, TK537, TK560, TK1042, TK1055, and TK1056 was shutdown 51 times due to maintenance, malfunction, and safety issues from October 2, 2012 through August 3, 2013, resulting in the release of approximately 3,300 lbs of VOC.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health 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 3

183 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$11,250

Three quarterly events are recommended from the date of change in ownership, February 1, 2013, through August 3, 2013.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,540

Violation Final Penalty Total \$22,500

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

Economic Benefit Worksheet

Respondent Blanchard Refining Company LLC
Case ID No. 50467
Reg. Ent. Reference No. RN102535077
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Feb-2013	1-Mar-2016	3.08	\$1,540	n/a	\$1,540

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure that the TO controls degassing until the VOC concentration is less than 10,000 ppm or 10 percent of the lower explosive limit. Date Required is the change in ownership date. Final Date is the estimated compliance date.

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

\$1,540

Screening Date 19-May-2015

Docket No. 2015-0668-AIR-E

PCW

Respondent Blanchard Refining Company LLC

Policy Revision 4 (April 2014)

Case ID No. 50467

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102535077

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O1541, STC No. 22

Violation Description

Failed to maintain the benzene concentration below the 1 ppm limit for carbon canisters for water separators. Specifically, the carbon canisters exceeded the 1 ppm benzene limit from October 12, 2012 through September 5, 2013 for water separators, resulting in the release of approximately 0.2 lb of benzene (see attached table).

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health 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 7

216 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$26,250

Seven annual events are recommended for the instances of non-compliance that occurred from the date of change in ownership, February 1, 2013, through September 5, 2013 (one event for each emission source).

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 \$26,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,540

Violation Final Penalty Total \$52,500

This violation Final Assessed Penalty (adjusted for limits) \$52,500

Economic Benefit Worksheet

Respondent Blanchard Refining Company LLC
Case ID No. 50467
Reg. Ent. Reference No. RN102535077
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Feb-2013	1-Mar-2016	3.08	\$1,540	n/a	\$1,540

Notes for DELAYED costs

Estimated cost to implement procedures to comply with the benzene concentration limit for carbon canisters. Date Required is the change in ownership date. 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

\$1,540

Screening Date 19-May-2015
Respondent Blanchard Refining Company LLC
Case ID No. 50467
Reg. Ent. Reference No. RN102535077
Media [Statute] Air
Enf. Coordinator Rajesh Acharya
Violation Number 4

Docket No. 2015-0668-AIR-E

PCW

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

Rule Cite(s) 30 Tex. Admin. Code § 122.217(a) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to obtain a FOP revision prior to operating changes at a site. Specifically, the Respondent did not obtain a minor revision for FOP No. O1541 to include the applicability of 40 Code of Federal Regulations ("CFR") Part 60, Subpart GGG prior to operating the REF-FUG fugitives.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	x			15.0%
100% of the rule requirement was not met.				

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 196 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for the FOP revision.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$457

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Blanchard Refining Company LLC
Case ID No. 50467
Reg. Ent. Reference No. RN102535077
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	4-Nov-2014	1-Sep-2016	1.83	\$457	n/a	\$457
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain the revision for FOP No. O1541 that includes 40 CFR Part 60, Subpart GGG. Date Required is the investigation date. 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

\$5,000

TOTAL

\$457

Blanchard Refining Company LLC

RN102535077; Docket No. 2015-0668-AIR-E; Enforcement Case No. 50467

Unit Name	Periods of Non-compliance		Actual Benzene Concentration (ppm)
	Month	Time	
ULC/220-l/W7	4/29/2013	10:43	7.2
RHU/CA-111/E63	3/4/2013	9:24	1.8
	5/13/2013	9:23	5
	7/10/2013	7:31	8.5
ARU/681-F/W10	3/20/2013	8:42	1.9
PS3B/CA-103/E20	4/26/2013	8:05	1.9
UU3/337-LB/W11	2/11/2013	9:51	68.9
	3/8/2013	9:01	49.3
	9/5/2013	14:40	70.9
DDU/F-130/W2	4/2/2013	7:11	1.6
CFHU/199-F/E35	4/3/2013	12:54	13.2

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 CN604166868, RN102535077, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN604166868, Blanchard Refining Company LLC	Classification:	SATISFACTORY	Rating:	51.47
Regulated Entity:	RN102535077, BLANCHARD REFINING GALVESTON BAY REFINERY	Classification:	SATISFACTORY	Rating:	55.00
Complexity Points:	43	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	2401 5TH AVE S TEXAS CITY, TX 77590-8349, GALVESTON COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER

P00032

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30139

AIR NEW SOURCE PERMITS PERMIT 2231

AIR NEW SOURCE PERMITS PERMIT 2529

AIR NEW SOURCE PERMITS PERMIT 2612

AIR NEW SOURCE PERMITS PERMIT 3758

AIR NEW SOURCE PERMITS PERMIT 6488

AIR NEW SOURCE PERMITS PERMIT 6600

AIR NEW SOURCE PERMITS PERMIT 9606

AIR NEW SOURCE PERMITS REGISTRATION 10129

AIR NEW SOURCE PERMITS REGISTRATION 10212

AIR NEW SOURCE PERMITS REGISTRATION 11173

AIR NEW SOURCE PERMITS REGISTRATION 11176

AIR NEW SOURCE PERMITS REGISTRATION 15271

AIR NEW SOURCE PERMITS PERMIT 19599

AIR NEW SOURCE PERMITS REGISTRATION 24608

AIR NEW SOURCE PERMITS PERMIT 47256

AIR NEW SOURCE PERMITS REGISTRATION 47956

AIR NEW SOURCE PERMITS REGISTRATION 49771

AIR NEW SOURCE PERMITS REGISTRATION 51875

AIR NEW SOURCE PERMITS AFS NUM 4816700001

AIR NEW SOURCE PERMITS REGISTRATION 54721

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX402

AIR NEW SOURCE PERMITS REGISTRATION 81516

AIR NEW SOURCE PERMITS REGISTRATION 84658

AIR NEW SOURCE PERMITS REGISTRATION 83759

AIR NEW SOURCE PERMITS REGISTRATION 86677

AIR NEW SOURCE PERMITS REGISTRATION 83424

AIR NEW SOURCE PERMITS REGISTRATION 87193

AIR NEW SOURCE PERMITS REGISTRATION 84396

AIR NEW SOURCE PERMITS REGISTRATION 88697

AIR NEW SOURCE PERMITS REGISTRATION 88241

AIR NEW SOURCE PERMITS REGISTRATION 86558

AIR NEW SOURCE PERMITS REGISTRATION 92953

AIR NEW SOURCE PERMITS REGISTRATION 92671

AIR NEW SOURCE PERMITS REGISTRATION 92273

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD008080533

AIR NEW SOURCE PERMITS PERMIT 1940

AIR NEW SOURCE PERMITS PERMIT 2315

AIR NEW SOURCE PERMITS REGISTRATION 2608

AIR NEW SOURCE PERMITS PERMIT 2938

AIR NEW SOURCE PERMITS PERMIT 4714

AIR NEW SOURCE PERMITS PERMIT 6592

AIR NEW SOURCE PERMITS PERMIT 7085

AIR NEW SOURCE PERMITS REGISTRATION 10060

AIR NEW SOURCE PERMITS REGISTRATION 10156

AIR NEW SOURCE PERMITS REGISTRATION 10597

AIR NEW SOURCE PERMITS REGISTRATION 11175

AIR NEW SOURCE PERMITS REGISTRATION 11787

AIR NEW SOURCE PERMITS REGISTRATION 18506

AIR NEW SOURCE PERMITS PERMIT 22107

AIR NEW SOURCE PERMITS PERMIT 46052

AIR NEW SOURCE PERMITS REGISTRATION 47696

AIR NEW SOURCE PERMITS REGISTRATION 47954

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0004L

AIR NEW SOURCE PERMITS REGISTRATION 75507

AIR NEW SOURCE PERMITS REGISTRATION 56657

AIR NEW SOURCE PERMITS REGISTRATION 87463

AIR NEW SOURCE PERMITS REGISTRATION 78120

AIR NEW SOURCE PERMITS REGISTRATION 82308

AIR NEW SOURCE PERMITS REGISTRATION 85670

AIR NEW SOURCE PERMITS REGISTRATION 84454

AIR NEW SOURCE PERMITS REGISTRATION 83422

AIR NEW SOURCE PERMITS REGISTRATION 83941

AIR NEW SOURCE PERMITS REGISTRATION 87883

AIR NEW SOURCE PERMITS REGISTRATION 84567

AIR NEW SOURCE PERMITS REGISTRATION 85681

AIR NEW SOURCE PERMITS REGISTRATION 87825

AIR NEW SOURCE PERMITS REGISTRATION 87296

AIR NEW SOURCE PERMITS REGISTRATION 92956

AIR NEW SOURCE PERMITS REGISTRATION 92587

AIR NEW SOURCE PERMITS REGISTRATION 92585

AIR NEW SOURCE PERMITS REGISTRATION 92586
AIR NEW SOURCE PERMITS REGISTRATION 93697
AIR NEW SOURCE PERMITS REGISTRATION 94424
AIR NEW SOURCE PERMITS REGISTRATION 96506
AIR NEW SOURCE PERMITS REGISTRATION 95591
AIR NEW SOURCE PERMITS REGISTRATION 98466
AIR NEW SOURCE PERMITS REGISTRATION 97644
AIR NEW SOURCE PERMITS REGISTRATION 97519
AIR NEW SOURCE PERMITS REGISTRATION 100730
AIR NEW SOURCE PERMITS REGISTRATION 99250
AIR NEW SOURCE PERMITS REGISTRATION 97907
AIR NEW SOURCE PERMITS REGISTRATION 99901
AIR NEW SOURCE PERMITS REGISTRATION 98040
AIR NEW SOURCE PERMITS REGISTRATION 98995
AIR NEW SOURCE PERMITS REGISTRATION 97518
AIR NEW SOURCE PERMITS REGISTRATION 97249
AIR NEW SOURCE PERMITS REGISTRATION 100721
AIR NEW SOURCE PERMITS REGISTRATION 101884
AIR NEW SOURCE PERMITS REGISTRATION 102758
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX119M3
AIR NEW SOURCE PERMITS REGISTRATION 107970
AIR NEW SOURCE PERMITS REGISTRATION 108594
AIR NEW SOURCE PERMITS REGISTRATION 110345
AIR NEW SOURCE PERMITS REGISTRATION 124015
AIR NEW SOURCE PERMITS REGISTRATION 107838
AIR NEW SOURCE PERMITS REGISTRATION 114767
AIR NEW SOURCE PERMITS REGISTRATION 116273
AIR NEW SOURCE PERMITS REGISTRATION 109388
AIR NEW SOURCE PERMITS REGISTRATION 109502
AIR NEW SOURCE PERMITS REGISTRATION 131546
AIR NEW SOURCE PERMITS REGISTRATION 114957
AIR NEW SOURCE PERMITS REGISTRATION 118213
AIR NEW SOURCE PERMITS REGISTRATION 131527
AIR NEW SOURCE PERMITS REGISTRATION 122217
AIR NEW SOURCE PERMITS REGISTRATION 121515
AIR NEW SOURCE PERMITS REGISTRATION 120373
AIR NEW SOURCE PERMITS REGISTRATION 116240
AIR NEW SOURCE PERMITS REGISTRATION 131519
AIR NEW SOURCE PERMITS REGISTRATION 118764
AIR NEW SOURCE PERMITS REGISTRATION 123536
AIR NEW SOURCE PERMITS REGISTRATION 118077
AIR NEW SOURCE PERMITS REGISTRATION 111626
AIR NEW SOURCE PERMITS REGISTRATION 129712
AIR NEW SOURCE PERMITS REGISTRATION 115895
AIR NEW SOURCE PERMITS REGISTRATION 115881
AIR NEW SOURCE PERMITS REGISTRATION 120375
AIR NEW SOURCE PERMITS REGISTRATION 108602
AIR NEW SOURCE PERMITS REGISTRATION 117025
AIR NEW SOURCE PERMITS REGISTRATION 131516
AIR NEW SOURCE PERMITS REGISTRATION 132867
AIR NEW SOURCE PERMITS REGISTRATION 118789
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX402M2
AIR NEW SOURCE PERMITS REGISTRATION 131543
AIR NEW SOURCE PERMITS REGISTRATION 131545
AIR NEW SOURCE PERMITS REGISTRATION 120621
AIR NEW SOURCE PERMITS REGISTRATION 118838
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX23
AIR NEW SOURCE PERMITS REGISTRATION 107735
UNDERGROUND INJECTION CONTROL PERMIT WDW127
UNDERGROUND INJECTION CONTROL PERMIT WDW214

AIR NEW SOURCE PERMITS REGISTRATION 93742
AIR NEW SOURCE PERMITS REGISTRATION 94345
AIR NEW SOURCE PERMITS REGISTRATION 95036
AIR NEW SOURCE PERMITS REGISTRATION 97071
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX402M3
AIR NEW SOURCE PERMITS REGISTRATION 100681
AIR NEW SOURCE PERMITS REGISTRATION 99544
AIR NEW SOURCE PERMITS REGISTRATION 97043
AIR NEW SOURCE PERMITS REGISTRATION 98703
AIR NEW SOURCE PERMITS REGISTRATION 98134
AIR NEW SOURCE PERMITS REGISTRATION 98820
AIR NEW SOURCE PERMITS REGISTRATION 99917
AIR NEW SOURCE PERMITS REGISTRATION 98719
AIR NEW SOURCE PERMITS REGISTRATION 101487
AIR NEW SOURCE PERMITS REGISTRATION 101201
AIR NEW SOURCE PERMITS REGISTRATION 98718
AIR NEW SOURCE PERMITS REGISTRATION 101323
AIR NEW SOURCE PERMITS REGISTRATION 103075
AIR NEW SOURCE PERMITS REGISTRATION 112076
AIR NEW SOURCE PERMITS REGISTRATION 104884
AIR NEW SOURCE PERMITS REGISTRATION 113463
AIR NEW SOURCE PERMITS REGISTRATION 109661
AIR NEW SOURCE PERMITS REGISTRATION 116275
AIR NEW SOURCE PERMITS REGISTRATION 107552
AIR NEW SOURCE PERMITS REGISTRATION 134145
AIR NEW SOURCE PERMITS REGISTRATION 114954
AIR NEW SOURCE PERMITS REGISTRATION 131321
AIR NEW SOURCE PERMITS REGISTRATION 104842
AIR NEW SOURCE PERMITS REGISTRATION 118792
AIR NEW SOURCE PERMITS REGISTRATION 131659
AIR NEW SOURCE PERMITS REGISTRATION 114330
AIR NEW SOURCE PERMITS REGISTRATION 113394
AIR NEW SOURCE PERMITS REGISTRATION 134247
AIR NEW SOURCE PERMITS REGISTRATION 110915
AIR NEW SOURCE PERMITS REGISTRATION 115760
AIR NEW SOURCE PERMITS REGISTRATION 108773
AIR NEW SOURCE PERMITS REGISTRATION 115849
AIR NEW SOURCE PERMITS REGISTRATION 118087
AIR NEW SOURCE PERMITS REGISTRATION 117319
AIR NEW SOURCE PERMITS REGISTRATION 131706
AIR NEW SOURCE PERMITS REGISTRATION 118767
AIR NEW SOURCE PERMITS REGISTRATION 131510
AIR NEW SOURCE PERMITS REGISTRATION 118787
AIR NEW SOURCE PERMITS REGISTRATION 124139
AIR NEW SOURCE PERMITS REGISTRATION 118771
AIR NEW SOURCE PERMITS REGISTRATION 108791
AIR NEW SOURCE PERMITS REGISTRATION 105480
AIR NEW SOURCE PERMITS REGISTRATION 114941
AIR NEW SOURCE PERMITS REGISTRATION 111622
AIR NEW SOURCE PERMITS REGISTRATION 117331
AIR NEW SOURCE PERMITS REGISTRATION 134793
AIR NEW SOURCE PERMITS REGISTRATION 117317
AIR NEW SOURCE PERMITS REGISTRATION 130379
AIR NEW SOURCE PERMITS REGISTRATION 131705
AIR NEW SOURCE PERMITS REGISTRATION 133926
AIR NEW SOURCE PERMITS REGISTRATION 119654
AIR NEW SOURCE PERMITS REGISTRATION 107175
UNDERGROUND INJECTION CONTROL PERMIT WDW080
UNDERGROUND INJECTION CONTROL PERMIT WDW128
UNDERGROUND INJECTION CONTROL PERMIT WDW215

WASTEWATER PERMIT TXG670211
AIR OPERATING PERMITS PERMIT 1541
AIR OPERATING PERMITS PERMIT 2657
WASTEWATER EPA ID TX0003522

AIR OPERATING PERMITS ACCOUNT NUMBER GB0004L
AIR OPERATING PERMITS PERMIT 2328
WASTEWATER PERMIT WQ0000443000

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30139
AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0004L

STORMWATER PERMIT TXR05BO76

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

Date Compliance History Report Prepared: August 11, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 11, 2010 to August 11, 2015

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

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) If **YES** for #2, who is the current owner/operator? Blanchard Refining Company LLC
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s) BP Products North America Inc
- 5) If **YES**, when did the change(s) in owner or operator occur? February 1, 2013

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

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

- 1 Effective Date: 05/08/2011 ADMINORDER 2010-1527-IWD-E (Findings Order-Agreed Order Without Denial)
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. and Mon. Req. No. 1 PERMIT
Description: failed to prevent the unauthorized discharge of a nonpermitted wastewater source through Outfall 005 and failed to comply with permitted effluent limits
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Lim. and Mon. Req. No. 1 PERMIT
Description: failed to comply with permitted effluent limits for Outfall Nos. 001, 005 and 006
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Rqmt Prov: Permit Conditions No. 2.g PERMIT
Description: Failure to prevent the unauthorized discharge of industrial waste into or adjacent to water in the state. During an investigation conducted on March 17, 2010, and March 24, 2010, TCEQ staff documented that on January 27, 2010, a leak in the biosludge pipeline discharged approximately 750 gallons of nonhazardous biosludge into Borrow Ditch.
- 2 Effective Date: 11/18/2011 ADMINORDER 2011-0615-IWD-E (1660 Order-Agreed Order With Denial)
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. Req. No 1, Outfall 007 PERMIT
Description: Failure to comply with the permitted effluent limits for total residual chlorine. Specifically, the total residual chlorine monthly maximum exceeded the permit limit of 0.1 milligrams per liter ("mg/L") for the months of October 2010 (0.22 mg/L), November 2010 (0.11 mg/L), and December 2010 (0.24 mg/L).
- 3 Effective Date: 12/20/2011 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Major
Citation: 5C THSC Chapter 382 382.085
Rqmt Prov: TCEQ AIR PERMIT #3170, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 3170 by emitting the air contaminants listed in paragraph 6.2 without authorization.
Classification: Major
Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 2231, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 2231 by exceeding the permit limit for emissions of benzene.
Classification: Moderate
Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 8.1 without authorization.
Classification: Moderate
Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated the TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in Paragraph 7.1 without authorization.
Classification: Major
Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 9.1 without authorization.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before September 29, 2006. To date, BP has not submitted all of the requested information to the TCEQ.
Classification: Major
Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
47256, Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 13.1 without authorization.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before November 30, 2006. To date, BP has not submitted all of the requested information to the TCEQ.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before December 8, 2006. To date, BP has not submitted the requested information.
Classification: Moderate
Citation: 5C THSC Chapter 382 382.085
Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 10.1 without authorization.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested that BP submit additional information on or before December 8, 2006. To date, BP has not submitted all of the requested information.
Classification: Moderate
Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 11.1 without authorization.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emission Event within the time set forth in the request. The TCEQ requested the information be submitted on or before December 8, 2006. To date, BP has not submitted all of the requested information to the TCEQ.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 12.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 2.a.ii. ORDER
47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 14.1 without authorization. BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period.

Classification: Minor

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

Description: BP also violation 30 TAC §101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before February 23, 2007. To date, BP has not submitted all of the requested information.

Classification: Minor

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

Description: BP also violated 30 TAC §101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. BP discovered that the startup developed into an Emissions Event on or before December 12, 2006. To date, BP has not submitted an initial report for the Emissions Event. BP submitted a final report on February 28, 2007.

Classification: Moderate

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

Description: BP also violation 30 TAC §101.201(b) by failing to submit its final notification of an Emissions Event within two weeks of the end of the event. The event ended on December 12, 2006, however, BP submitted its final report to the TCEQ on February 28, 2007.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 16.1 without authorization.

Classification: Moderate

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

Description: BP also violation 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. On February 26, 2007, the TCEQ requested that BP submit additional information about the event on or before March 12, 2007. To date, BP has not submitted all of the information requested by the TCEQ.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 17.1 without authorization.

Classification: Moderate

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

Description: BP also violation 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before March 1, 2007. To date, BP has not submitted the information.

Classification: Minor

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

Description: BP also violation 30 TAC §101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. The event began on or before November 13, 2006; BP submitted its initial report of the event to the TCEQ on November 27, 2006.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
TCEQ Flexible Permit No. 47256 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 15.1

without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 18.1 without authorization.

Classification: Minor

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

Description: BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period. BP reported an opacity of 94 percent.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 19.1 without authorization.

Classification: Minor

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

Description: BP also violated 30 TAC §101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before July 11, 2007. To date, BP has not submitted all of the information requested by the TCEQ.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period. BP reported an opacity of 51 percent.

Classification: Major

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

5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 20.1 without authorization. BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. BP discovered the event on or before May 15, 2007, at 5 p.m. The initial notification of the Emissions Event was not submitted to the TCEQ until May 25, 2007, at 3:41 p.m.

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.201(b)

Description: BP also violated 30 TAC 101.201(b) by failing to submit its final report of an Emissions Event no later than fourteen days after the end of the event. BP reported that the Emissions Event ended on May 18, 2007, at 4 a.m. BP submitted its final notification to the TCEQ on June 8, 2007, at 1:09 p.m.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(b)(1)(G) by failing to include a list of the reportable and non-reportable individual air contaminants released in its final report of this Emissions Event, which was due on June 21, 2007.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(b)(1)(H) by failing to include the estimated total quantities for those listed air contaminants in its final report of this Emissions Event, which was due on June 21, 2007.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 21.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Air Permit No. 47256, SC#1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 22.1 without authorization.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(b)(1)(G) by failing to include all the reportable and non-reportable

emissions of individually-listed air contaminants in its final report of this Emissions Event.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. The event began on or before June 18, 2007, at 3:10 p.m.; BP submitted its initial report of the event to the TCEQ on June 26, 2007, at 1:23 p.m.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 23.1

without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 24.1 without authorization.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before July 10, 2007, at 2:10 p.m.; BP submitted its initial report of the event to the TCEQ on July 11, 2007, at 4:15 p.m.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 25.1 without authorization.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. The event began on or before July 31, 2007, at 8:00 a.m.; BP submitted its initial report on August 1, 2007, at 9:45 a.m.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 26.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 27.1 without authorization.

Classification: Minor

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

30 TAC Chapter 101, SubChapter F 101.223(a)(1)

30 TAC Chapter 101, SubChapter F 101.223(a)(2)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before August 4, 2007, at 10:50 a.m. BP submitted its initial report of the event to the TCEQ on August 17, 2007, at 2:20 p.m. BP also violated 30 TAC § 101.223(a)(1) and 101.223(a)(2) by failing to submit a CAP within 60 days of receiving notification and questions from TCEQ's.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 28.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 29.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
TCEQ Air Flexible Permit #47256, SC#1 PA

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 32.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 30.1 without authorization.

Classification: Moderate

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before November 18, 2007, at 4:00 a.m.; BP submitted its initial report of the event to the TCEQ on November 27, 2007, at 5:36 p.m.

Classification: Major

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

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
47256 SC 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 31.1 without authorization. BP also violated 30 TAC § 101.20 I (a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 47256 SC 38 PERMIT

Description: BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period. BP reported an opacity of 94 percent.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 33.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 34.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 35.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
TCEQ Air Flexible Permit 47256, SC#1 PA

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 36.1 without authorization.

Classification: Moderate

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. BP discovered that the startup developed into an Emissions Event on or before January 30, 2008. BP did not submit an initial report, but submitted a final report on February 19, 2009.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 2315, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 39.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Air Permit #47256, SC#1 PA

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 38.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 40.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 47256, Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 44.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 2612, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 41.1 without authorization.

Classification: Moderate

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before May 16, 2008, at 3:50 p.m.; BP submitted its initial report of the event to the TCEQ on May 20, 2008, at 2:15 p.m.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 49.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 50.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 48.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 51.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 43.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 19599, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 19599 by emitting the air contaminants listed in paragraph 45.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 6488, Special Condition #2 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 42.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 46.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 47.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 56.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 53.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 55.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 47256 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 58.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 54.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Air Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 56.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 59.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 52.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 60.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition #1, PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 61.1 without authorization.

Classification: Minor

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

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before March 7, 2009, when the actual startup emissions exceeded the original estimated emissions. BP did not submit an initial notification for the Emissions Event to the TCEQ. BP submitted a final report on March 20, 2009.

Classification: Minor

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

Description: BP also violated 30 TAC 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. Accordint to a report submitted by BP, the event began on or before January 9, 2009, when the actual startup emissions exceeded the original estimated emissions. BP submitted its initial report of the event to the TCEQ on January 23, 2009.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 62.1

without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit Nol 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 64.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition #1, PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 66.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Permit No. 2231, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 2231 by emitting the air contaminants listed in paragraph 63.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 65.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 67.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 69.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 70.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 68.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 72.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 71.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: TCEQ Flexible Permit NO. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 73.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 74.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.32

Description: BP violated 30 TAC § 112.32 by emitting H2S in such amount and concentration as to exceed the limits set forth therein (concentrations exceeded 0.12 ppm over a 30-minute period).

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO2 in a period of 24 hours from Flare No. 2 (EPN 311), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by April 20, 2008.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO2 in a period of 24 hours from Flare No. 1 (EPN 301), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by October 2, 2007.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO2 in a period of 24 hours from Flare No. 1 (EPN 301), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by January 2, 2008.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov: 2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO2 in a period of 24 hours from Flare No. 1 (EPN 301), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by October 10, 2008.

4 Effective Date: 02/10/2013 ADMINORDER 2012-0839-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

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

5C THSC Chapter 382 382.085(b)

Description: The Respondent failed to submit an initial notification for Incident No. 162823 not later than 24 hours after the discovery of an emissions event on December 8, 2011.

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: SC 1 PERMIT
SC 16 OP

Description: The Respondent failed to prevent unauthorized emissions during an emissions event on December 8, 2011 (Incident No. 162823).

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: SC 16 OP
SPECIAL CONDITION 1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions during an excessive emissions event on December 10, 2011 (Incident No. 162658),

5 Effective Date: 03/06/2014 ADMINORDER 2013-1754-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent the release of unauthorized emissions.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 17, 2010	(841043)	Item 30	August 01, 2011	(936243)
Item 2	August 18, 2010	(849412)	Item 31	August 11, 2011	(937224)
Item 3	August 20, 2010	(866786)	Item 32	August 12, 2011	(942193)
Item 4	August 30, 2010	(844232)	Item 33	August 15, 2011	(944257)
Item 5	September 01, 2010	(827166)	Item 34	August 19, 2011	(959263)
Item 6	September 08, 2010	(830406)	Item 35	August 22, 2011	(936280)
Item 7	September 17, 2010	(873860)	Item 36	August 24, 2011	(944819)
Item 8	October 11, 2010	(797859)	Item 37	September 07, 2011	(941177)
Item 9	October 25, 2010	(864605)	Item 38	September 15, 2011	(965292)
Item 10	November 10, 2010	(881462)	Item 39	September 21, 2011	(956243)
Item 11	December 03, 2010	(857421)	Item 40	October 12, 2011	(958183)
Item 12	December 07, 2010	(871650)	Item 41	October 13, 2011	(949148)
Item 13	December 08, 2010	(879803)	Item 42	October 19, 2011	(971335)
Item 14	January 10, 2011	(880576)	Item 43	November 02, 2011	(956280)
Item 15	February 10, 2011	(890880)	Item 44	November 15, 2011	(977493)
Item 16	February 15, 2011	(878085)	Item 45	December 01, 2011	(900824)
Item 17	February 16, 2011	(878081)	Item 46	December 08, 2011	(969205)
Item 18	March 14, 2011	(924737)	Item 47	December 19, 2011	(974623)
Item 19	March 16, 2011	(894249)	Item 48	December 22, 2011	(975598)
Item 20	April 20, 2011	(924738)	Item 49	January 05, 2012	(974914)
Item 21	May 12, 2011	(937982)	Item 50	January 09, 2012	(974839)
Item 22	May 19, 2011	(879858)	Item 51	January 20, 2012	(990561)
Item 23	May 24, 2011	(919797)	Item 52	February 06, 2012	(944943)
Item 24	June 06, 2011	(923359)	Item 53	February 16, 2012	(997925)
Item 25	June 16, 2011	(913682)	Item 54	March 08, 2012	(983800)
Item 26	July 11, 2011	(923481)	Item 55	March 20, 2012	(1003445)
Item 27	July 20, 2011	(952581)	Item 56	March 21, 2012	(993999)
Item 28	July 27, 2011	(933497)	Item 57	April 19, 2012	(1010009)
Item 29	July 29, 2011	(933423)	Item 58	May 08, 2012	(1001873)

Item 59	May 17, 2012	(1016405)	Item 119	October 29, 2013	(1113999)
Item 60	May 22, 2012	(1006645)	Item 120	October 31, 2013	(1122256)
Item 61	May 23, 2012	(990089)	Item 121	November 06, 2013	(1120418)
Item 62	June 05, 2012	(962393)	Item 122	November 18, 2013	(1140628)
Item 63	June 06, 2012	(963427)	Item 123	November 20, 2013	(1132558)
Item 64	June 07, 2012	(1008710)	Item 124	November 22, 2013	(1124822)
Item 65	June 11, 2012	(1008099)	Item 125	December 09, 2013	(1124236)
Item 66	June 13, 2012	(1009278)	Item 126	December 18, 2013	(1147085)
Item 67	June 25, 2012	(1008873)	Item 127	January 06, 2014	(1134521)
Item 68	June 29, 2012	(1015268)	Item 128	January 20, 2014	(1153155)
Item 69	July 02, 2012	(1009727)	Item 129	January 23, 2014	(1124093)
Item 70	July 09, 2012	(1008877)	Item 130	January 30, 2014	(1134363)
Item 71	July 16, 2012	(1007009)	Item 131	February 20, 2014	(1160491)
Item 72	July 17, 2012	(1019336)	Item 132	March 18, 2014	(1167136)
Item 73	July 24, 2012	(962577)	Item 133	March 24, 2014	(1139886)
Item 74	August 06, 2012	(968582)	Item 134	April 22, 2014	(1174269)
Item 75	August 29, 2012	(970641)	Item 135	April 24, 2014	(1102680)
Item 76	September 20, 2012	(1046621)	Item 136	May 05, 2014	(1138228)
Item 77	October 16, 2012	(1036636)	Item 137	May 06, 2014	(1157404)
Item 78	October 17, 2012	(1034625)	Item 138	May 14, 2014	(1180457)
Item 79	October 18, 2012	(1060732)	Item 139	May 19, 2014	(1133194)
Item 80	October 29, 2012	(1035407)	Item 140	May 21, 2014	(1158370)
Item 81	November 07, 2012	(1009934)	Item 141	May 23, 2014	(1164041)
Item 82	November 20, 2012	(1060733)	Item 142	May 28, 2014	(1160263)
Item 83	November 28, 2012	(1037740)	Item 143	June 18, 2014	(1187354)
Item 84	December 05, 2012	(1040982)	Item 144	July 08, 2014	(1163872)
Item 85	December 10, 2012	(1043635)	Item 145	July 17, 2014	(1171346)
Item 86	December 17, 2012	(1060734)	Item 146	July 21, 2014	(1195529)
Item 87	December 21, 2012	(1043678)	Item 147	August 19, 2014	(1179650)
Item 88	January 03, 2013	(1051525)	Item 148	September 08, 2014	(1183686)
Item 89	January 10, 2013	(1045915)	Item 149	September 19, 2014	(1205760)
Item 90	January 11, 2013	(1050838)	Item 150	October 17, 2014	(1177600)
Item 91	January 15, 2013	(1078879)	Item 151	October 30, 2014	(1187082)
Item 92	January 23, 2013	(1042965)	Item 152	November 03, 2014	(1185599)
Item 93	January 25, 2013	(1052734)	Item 153	November 07, 2014	(1073644)
Item 94	February 08, 2013	(1056500)	Item 154	November 19, 2014	(1205244)
Item 95	February 12, 2013	(1054111)	Item 155	November 20, 2014	(1193148)
Item 96	February 15, 2013	(1054112)	Item 156	December 08, 2014	(1196715)
Item 97	February 20, 2013	(1078878)	Item 157	December 18, 2014	(1224203)
Item 98	February 28, 2013	(1042867)	Item 158	December 31, 2014	(1215467)
Item 99	March 12, 2013	(1073132)	Item 159	January 02, 2015	(1197997)
Item 100	March 13, 2013	(1089263)	Item 160	January 07, 2015	(1210461)
Item 101	March 16, 2013	(1055390)	Item 161	January 19, 2015	(1230731)
Item 102	April 01, 2013	(1054109)	Item 162	January 27, 2015	(1217097)
Item 103	April 10, 2013	(1055358)	Item 163	February 10, 2015	(1223868)
Item 104	April 17, 2013	(1095657)	Item 164	February 11, 2015	(1223303)
Item 105	April 25, 2013	(1075096)	Item 165	February 17, 2015	(1227241)
Item 106	May 02, 2013	(1078460)	Item 166	February 19, 2015	(1224081)
Item 107	May 14, 2013	(1087514)	Item 167	February 20, 2015	(1227113)
Item 108	June 10, 2013	(1085415)	Item 168	February 26, 2015	(1215460)
Item 109	June 19, 2013	(1110258)	Item 169	March 15, 2015	(1228823)
Item 110	July 11, 2013	(1120055)	Item 170	March 19, 2015	(1248570)
Item 111	July 30, 2013	(1055614)	Item 171	April 20, 2015	(1255469)
Item 112	August 07, 2013	(1101900)	Item 172	May 08, 2015	(1215960)
Item 113	August 19, 2013	(1127884)	Item 173	May 11, 2015	(1221998)
Item 114	September 03, 2013	(1102125)	Item 174	May 12, 2015	(1240088)
Item 115	September 17, 2013	(1129499)	Item 175	May 20, 2015	(1265323)
Item 116	September 27, 2013	(1113263)	Item 176	June 01, 2015	(1247601)
Item 117	October 17, 2013	(1138103)	Item 177	June 15, 2015	(1240037)
Item 118	October 21, 2013	(1109813)	Item 178	June 19, 2015	(1269348)

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

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

- 1 Date: 08/26/2014 (1170124) CN604166868
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 that failed to meet all the demonstration criteria. [Subcategory B13]
- 2 Date: 08/29/2014 (1172279) CN604166868
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(d)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(2)(iii)
40 CFR Part 60, Subpart QQQ 60.693-2(a)(3)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 1A OP
Description: Failure to prevent Stormwater Tank floating roof [EPN: T280-1054] from landing.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 23 OP
NSR Special Condition 51E PERMIT
NSR Special Conditon 10E PERMIT
NSR Special Conditon 11E PERMIT
NSR Special Conditon 1E PERMIT
NSR Special Conditon 8E PERMIT
Description: Failure to equip open-ended valves or lines with a cap, blind flange, plug or second valve for Plant Wide Refinery Fugitives Group ID: REF-FUG.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 23 OP
Description: Failure to maintain fuel gas firing below the 282.9 MMBtu/hr limit for UU3 heaters 302-BA/BB/BC [EPN: 162]. Category C4
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
Description: Failure to take HRVOC samples for Flare No.6 [EPN: 530] and ULC Cooling Tower [EPN: 418]. Category C1
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1H OP
Description: Failure to maintain O2 below the established limits for Heater 101-BA/BB [EPN: 51], Heater 401-BA [EPN: 41], Heater B-301 [EPN: 394], Heater 102-BA [EPN: 53], and Heater 401-BB [EPN: 42]. Category B19g(1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 23 OP
NSR Special Condition 5 PERMIT
NSR Special Condition 8 PERMIT
NSR Special Condition 9 PERMIT

Description: Failure to prevent exceedance of lb/MMBtu NOx limits for Heaters [EPNs: 72, 171, 601, and 173] and Boiler [EPN: 521]. Category B13

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 23 OP

Description: Failure to maintain maximum hourly fill rate for storage tanks [EPNs: T280-36, T280-537, T280-38, T280-39, and T280-1044]. Category B13

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 23 OP
NSR Special Condition 27 PERMIT
NSR Special Condition 5 PERMIT
NSR Special Condition 66 PERMIT

Description: Failure to prevent exceedances of CO ppmv limits for Heater B-201[EPN:72], UU3Heaters [IDs: 301-BA, 301-BB, 301-BC, 301-BD, 302-BA, 302-BB, 302-BC, 305-B, and 306-B], Unit FCCU3 [EPN: 34], Unit UU4 [IDs:B401A, B402A, B402B, B402C, and B406], Unit FCCU1 [EPN: 93], and Isostripper Furnace [EPN: 521]. Category B 13

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP

Description: Failure to maintain true vapor pressure (TVP) for storage tanks [EPN: T280-27 and T 280-11] below 11psia. Category C4

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 23 OP
NSR Special Condition 31D PERMIT

Description: Failed to maintain SO2 limits for FCCU3 [EPN: 34]. Category C4

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 23 OP
NSR Special Condition 30 PERMIT

Description: Failure to prevent the opacity from exceeding the 20% opacity limit during a six minute period for Fluid Catalytic Cracking Unit 1 (FCCU1) [EPN: 93]. Category C4

Self Report? NO Classification: Moderate

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 60.7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(9)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 23 OP
NSR Special Condition 3A PERMIT

Description: Failure to provide notification within the required timeframe for tanks [EPNs: T280-533, T280-30, T280-1041, T280-186 and T280-1051]. Category C3

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 23 OP

Description: Failure to maintain NOx emission factor for UU3 Heaters 302 BA/BB/BC [EPN: 162]. Category B13

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)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 59A1 PERMIT
 Description: Failure to calibrate hydrocarbon analyzer within 24 hours of use. Category C4
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 23 OP
 NSR Special Condition 4H PERMIT
 NSR Special Condition 51I PERMIT
 NSR Special Condition 8L PERMIT
 Description: Failure to identify REF-FUG components needing repair with a tag. Category C4
 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)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 67A(4) PERMIT
 Description: Failure to change carbon canister within 24 hours of breakthrough. Category B13
 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)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 61A PERMIT
 Description: Failure to comply with MSS procedures for tanks [EPN: T280-19 and T280-12].
 Category C4
 Self Report? NO Classification: Moderate
 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)
 FOP Special Term & Condition 15A OP
 FOP Special Term & Condition 1A OP
 Description: Failure to attempt repair of a leaking component within the required timeframe.
 Category C4
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter C 122.222
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 23B OP
 Description: Failure to obtain authorization/representation of equipment. Category B3
 Self Report? NO Classification: Minor
 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)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 21 PERMIT
 Description: Failure to maintain minimum temperature of 1,200 degrees Fahrenheit for PRO
 -SRU [EPN : 384]. Category C4
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.644(a)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 FOP Special Term & Condition 23 OP
 NSR Special Condition 14B PERMIT
 Description: Failure to operate flares TCH-SW [EPN: FLR-SW] and TCH-SRUCD [EPN: 383]
 with a flame present. Category C4
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 61B(1) PERMIT
 NSR Special Condition 63A PERMIT

Description: Failure to use a control device. (Category B16)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 1 PERMIT

Description: Failure to prevent exceedance of CO lbs/hr. Category C4
 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)
 NSR Special Condition 63C3 PERMIT
 NSR Special Condition 67A(2) PERMIT
 NSR Special Condition 67A(2)(a) PERMIT
 Special Term & Condition 23 OP

Description: Failure to conduct monitoring as required during MSS activities involving vacuum trucks and carbon canisters. (Category B19g(1))
 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)
 FOP Special Term & Condition 23 OP
 NSR Special Condition 61B1 PERMIT

Description: Failure to control degassing until the VOC concentration is less than 10,000 ppm or 10 percent of the LEL. Category B13
 Self Report? NO Classification: Moderate

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

Description: Failure to report deviations within the required timeframe. Category C3
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 22 OP

Description: Failure to maintain benzene concentration below the 1 ppm limit for carbon canisters for water separators. Category B13
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)(B)
 5C THSC Chapter 382 382.085(b)

Description: Failure to cite each applicable requirement to ensure compliance with the permit. Category C3
 Self Report? NO Classification: Moderate

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

Description: Failure to create final records for non-reportable emissions events for portable thermal oxidizers. Category B3
 Self Report? NO Classification: Moderate

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

Description: Failure to create final records for non-reportable emissions events for portable thermal oxidizers within 14 days. Category B3
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
 30 TAC Chapter 115, SubChapter D 115.354(11)
 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THSC Chapter 382 382.085(b)
FOP Special Terms & Conditions 1A,1H,23 OP
NSR Special Condition 4F PERMIT
NSR Special Condition 6F PERMIT
NSR Special Condition 8F PERMIT
NSR Special Conditions 11F and 11G PERMIT
NSR Special Conditions 11F and 12 PERMIT
NSR Special Conditions 51F, 15, 2F PERMIT

Description: Failure to monitor fugitive components within the required time frame for Plant Wide Fugitives (REF-FUG) and AU2 Fugitives (AU2-FUG). Category C10

- 3 Date: 09/30/2014 (1212173) CN604166868
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 10/07/2014 (1192547) CN604166868
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.
- 5 Date: 10/07/2014 (1196625)
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. Category B13.
- 6 Date: 10/31/2014 (1218423) CN604166868
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 11/25/2014 (1191824)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
SC-1 PERMIT
Description: Failure to demonstrate an affirmative defense for the unauthorized emissions during Inc. # 201498 [Subcategory B14]
- 8 Date: 03/20/2015 (1218072) CN604166868
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(b)
Description: Failure to control a nuisance condition
- 9 Date: 04/30/2015 (1262179) CN604166868
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
- 10 Date: 05/06/2015 (1227280) CN604166868
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1A OP
Description: Failure to submit a verbal notification at least 15 days prior to the EPN 55 RATA

test date in accordance with 30 TAC 117. (Category C3).

- 11 Date: 07/09/2015 (1229769) CN604166868
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Subcategory B13]
- 12 Date: 07/14/2015 (1246760) CN604166868
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 show the unit met the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Subcategory B13]

F. Environmental audits:

- Notice of Intent Date: 10/30/2012 (1088407)
No DOV Associated
- Notice of Intent Date: 02/18/2013 (1088825)
No DOV Associated
- Notice of Intent Date: 04/18/2013 (1088710)
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
BLANCHARD REFINING
COMPANY LLC
RN102535077**

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

**AGREED ORDER
DOCKET NO. 2015-0668-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 Blanchard Refining Company LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 2401 5th Avenue South in Texas City, Galveston 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 notices of the violations alleged in Section II ("Allegations") on or about April 22, 2015 and May 9, 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 Ninety-Seven Thousand Five Hundred Dollars (\$97,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirty-Nine Thousand Dollars

(\$39,000) of the administrative penalty and Nineteen Thousand Five Hundred Dollars (\$19,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirty-Nine Thousand Dollars (\$39,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes the following corrective measures were implemented at the Plant:
 - a. On May 16, 2011, a revision application for Federal Operating Permit ("FOP") No. O1541 to include the revised periodic monitoring summaries for carbon canisters controlling emissions from water separators was submitted; and
 - b. On August 10, 2014, a revision application for FOP No. O1541 to include the applicability of 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60, Subpart GGG was submitted.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Flexible Permit Nos. 47256 and PSDTX402M3, Special Conditions ("SC") No. 1, as documented during an investigation conducted on January 15, 2015. Specifically, the Respondent released 183.78 pounds ("lbs") of benzene, 13,213.08 lbs of

volatile organic compounds ("VOC") and 1.15 lbs of hydrogen sulfide during an emissions event (Incident No. 206367) that began on November 12, 2014 and lasted 326 hours. The release occurred in Ultraformer Unit 4 due to the leakage of VOC through an avoidably damaged gasket in a flanged joint in Heat Exchangers C401-6A and 6-B. Since this event could have been prevented by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to control degassing until the VOC concentration is less than 10,000 parts per million ("ppm") or 10 percent of the lower explosive limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1541, Special Terms and Condition ("STC") Nos. 23 and 26, and NSR Flexible Permit Nos. 47256 and PSDTX402M3, SC No. 61B(1), as documented during an investigation conducted on November 4, 2014 through March 16, 2015. Specifically, the thermal oxidizer ("TO") used to control the degassing of Tanks TK10, TK12, TK19, TK24, TK27, TK92, TK94, TK530, TK537, TK560, TK1042, TK1055, and TK1056 was shutdown 51 times due to maintenance, malfunction, and safety issues from October 2, 2012 through August 3, 2013, resulting in the release of approximately 3,300 lbs of VOC.
3. Failed to maintain the benzene concentration below the 1 ppm limit for carbon canisters for water separators, in violation of 30 TEX. ADMIN. CODE § 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1541, STC No. 22, as documented during an investigation conducted on November 4, 2014 through March 16, 2015. Specifically, the carbon canisters exceeded the 1 ppm benzene limit from October 12, 2012 through September 5, 2013 for water separators, resulting in the release of approximately 0.2 lb of benzene (see table below).

Unit Name	Periods of Non-compliance		Actual Benzene Concentration (ppm)
	Month	Time	
ULC/220-1/W7	4/29/2013	10:43	7.2
RHU/CA-111/E63	3/4/2013	9:24	1.8
	5/13/2013	9:23	5
	7/10/2013	7:31	8.5
ARU/681-F/W10	3/20/2013	8:42	1.9
PS3B/CA-103/E20	4/26/2013	8:05	1.9
UU3/337-LB/W11	2/11/2013	9:51	68.9
	3/8/2013	9:01	49.3
	9/5/2013	14:40	70.9
DDU/F-130/W2	4/2/2013	7:11	1.6
CFHU/199-F/E35	4/3/2013	12:54	13.2

- Failed to obtain a FOP revision prior to operating changes at a site, in violation of 30 TEX. ADMIN. CODE § 122.217(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 4, 2014 through March 16, 2015. Specifically, the Respondent did not obtain a minor revision for FOP No. O1541 to include the applicability of 40 CFR Part 60, Subpart GGG prior to operating the REF-FUG fugitives.

III. DENIALS

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

IV. ORDERING PROVISIONS

- 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: Blanchard Refining Company LLC, Docket No. 2015-0668-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, Thirty-Nine Thousand Dollars (\$39,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures and/or procedures designed to prevent a recurrence of emissions events due to the same or similar cause as Incident No. 206367; and
 - ii. Implement measures and/or procedures designed to ensure the TO controls degassing until the VOC concentration is less than 10,000 ppm or 10 percent of the lower explosive limit.
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the May 16, 2011 and August 10, 2014 permit revision applications for FOP No. O1541 within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.d. to demonstrate compliance with Ordering Provision No. 3.a.; and
 - d. Within 180 days after the effective date of this Agreed Order, submit written certification that the permit revisions have been obtained for FOP No. O1541. 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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

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

9. 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

7/21/16
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

MARCH 1, 2016
Date

RICHARD A. HERNANDEZ
Name (Printed or typed)
Authorized Representative of
Blanchard Refining Company LLC

REFINERY GENERAL MANAGER
Title

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

Attachment A
Docket Number: 2015-0668-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Blanchard Refining Company LLC
Penalty Amount:	Seventy-Eight Thousand Dollars (\$78,000)
SEP Offset Amount:	Thirty-Nine Thousand Dollars (\$39,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

Blanchard Refining Company LLC
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency's 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done 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 the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

c. Minimum Expenditure

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

2. Performance Schedule

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

Blanchard Refining Company LLC
Agreed Order - Attachment A

Texas City Independent School District SEP
Attention: John Johnson, Consultant
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and/or 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 Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.